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VOLUME NO. 54

ROYAL COMMISSION

ON CRIME

IN ONTARIO

DAILY TRANSCRIPT
OF PROCEEDINGS

Date. Thursday Sept. 27/62.

pp 10898 - 11148

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VOLUME 53

INDEX OF WITNESSES

INDEX OF EXHIBITS

ERRATUM

Index to Volume 53 --- (Index of Exhibits)

FOR "Ex. No. 263" READ "Ex. No. 264"

(See Volume 54, page 10902)

A/1/FP

THURSDAY, SEPTEMBER 27,1962

---On resuming at 10:15 o'clock a.m.

MR. WILSON: I call Felix Borelli.

MR. SWAYZE: Mr. Commissioner, my name is Swayze and I am a lawyer representing Mr. Borelli.

FELIX BORELLI, called

MR. WILSON: I just ask that any witnesses who were subpoenaed to give evidence today withdrew from the hearing.

THE COMMISSIONER: Mr. Swayze, what are your initials?

MR. SWAYZE: W.M., my lord.

THE COMMISSIONER: S-w-a — ?

MR. SWAYZE: — y-z-e.

---Felix Borelli sworn.

MR. SWAYZE: Mr. Commissioner, at this point my client would like to ask for the protection of the Canada Evidence Act, on the ground that the answers to the questions may tend to incriminate him or may tend to establish his liability in a civil or criminal proceeding.

I wonder if we might, rather than make

the objection each and every time, if we might put it on the record that he is objecting to each and every question.

THE COMMISSIONER: Are you asking for that protection?

MR. SWAYZE: Yes, I am.

THE COMMISSIONER: All right, I grant it to you.

MR. SWAYZE: My lord, would you like me to read ---

THE COMMISSIONER: No, you have read it.

MR. SWAYZE: Finally, my lord, Mr. Borelli has a criminal record. We have no objection to the criminal record as set out here, but we would rather, since he is a family man, we would rather that the record did not go in the press. We would prefer, as your lordship has done in several other instances in the Commission, if you would pass the record around to the counsel and to your lordship, We will agree to it but we would rather not publicize it if possible.

THE COMMISSIONER: Once it is filed here it is a public document.

MR. SWAYZE: Yes, my lord. It is just that we would rather ---

THE COMMISSIONER: And there seems to have been some misunderstanding with respect to that. Where a witness is asked, shown

his record and asked if that is a correct record, he either agrees or disagrees; and rather than read it aloud, it is shown to him and if he agrees then it is simply filed as an exhibit.

MR. SWAYZE: That's fine, my lord.

THE COMMISSIONER: But it is public property, and the press or anybody else has the right of access to it.

MR. SWAYZE: I realize that, my lord. What we were afraid of, or what Mr. Borelli was afraid of, is that he would be questioned on each and every item, and he was afraid that that would tend to put it in the press. He is a family man, and we would ask that it be put in as your lordship has suggested.

MR. WILSON: He may well be questioned on one or more of the ---

THE COMMISSIONER: I was going to say counsel is not to be stopped from questioning this man with respect to any particular one of the offences ofwhich he has been convicted.

MR. SWAYZE: Yes, my lord, I realize that, but ---

THE COMMISSIONER: Any one of them.

MR. SWAYZE: I would ask, since he is a family man ---

MR. WILSON: We have heard that, surely.

MR. SWAYZE: I would ask, in any event, Mr. Commissioner, that every consideration be given to that particular ---

MR. WILSON: Do you want to sit over here, Mr. Smayne?

THE COMMISSIONER: The record has not been entered yet. Better ask him if it is correct.

EXAMINED BY MR. WILSON:

MR. WILSON: I was going to ask him where he resided.

THE WITNESS: Where do I live? 902 Walnut, Niagara Falls, Ontario.

THE COMMISSIONER: 902 what?

A. 902 Walnut.

MR. WILSON: Q. How old are you?

A. Fifty-two.

Q. I show you a statement that purports to be a criminal record of Felix Borelli, 902 Walnut Street, Niagara Falls, Ontario. Would you look that over and tell me whether or not it is correct?

A. That is correct.

Q. And it covers ---

THE COMMISSIONER: Just a moment, Mr. Wilson. You say you are how old?

A. Fifty-two.

Q. And you were born in --

A. 1910, 1st May.

Q. And your criminal record begins

when you were seventeen, the first offense being March 22nd, 1927, and you were born in 1910, so you started out on this record when you were seventeen years old.

A. If it is there, my lord.

Q. Pardon?

A. If it is there.

THE COMMISSIONER: All right, that will be Exhibit 265.

---The Registrar conferred with the Commissioner.

THE COMMISSIONER: I thought the photo of Giacalone was filed, was it not?

MR. WILSON: I thought it was, too.

THE COMMISSIONER: Better correct that. Make Exhibit 263 the photo of Giacalone, 264 the statement of Arnold Fitts to Macaulay, and 265 will be this witness's criminal record.

A/2 ---EXHIBIT NO. 263: Photograph of Mr. Giacalone. (See page 10709, Volume 53)

---EXHIBIT NO. 265: Criminal record of Felix Borelli.

THE COMMISSIONER: Have you got Exhibit 265? Have I only a copy or is this the original?

MR. WILSON: That is the original, Mr. Commissioner.

THE COMMISSIONER: Just give it to the Registrar. All right.

MR. WILSON: Q. The first offense listed

on Exhibit 365, as the Commissioner has pointed out, was in 1927, and the last was on November 17th, 1960. I am interested in knowing what the address of the premises was in respect of which you were convicted of being a keeper of a common gaming house on July 11th, 1940. Where was that?

A. I don't remember. 1940?

Q. Then let us take the one under date of November 24th, 1949 where you were convicted of keeping a common gaming house. Where was that?

A. I don't just remember what spot it was or the address.

THE COMMISSIONER: What date, Mr. Wilson?

MR. WILSON: The first date I mentioned was July 11th, 1940, and the second date I mentioned was November 24th, 1949.

THE COMMISSIONER: Do you understand the question?

A. Yes, I do.

MR. WILSON: Q. You don't know where it was?

A. Well, I just don't remember right now where it was at.

Q. There have been so many places?

A. That is right.

Q. You have not been able to keep track of them all?

A. That is right.

Q. And what is your present occupation?

A. Tourist operator.

THE COMMISSIONER: Q. What is that, tourist operator? I have never heard of that before.

A. Well, I have two homes that I rent out for tourists.

Q. You run a tourist home?

A. Yes, tourist home.

Q. Not speaking of "tourist operator".

MR. WILSON: Q. Where are they, in Niagara Falls?

A. In Niagara Falls.

THE COMMISSIONER: Q. What address?

A. 1068 Centre Street and 902 Walnut.

Q. Ten what?

A. 1068 Centre Street.

Q. Can I get the next place?

A. 902 Walnut.

Q. All right.

MR. WILSON: Q. And also you have a pool room?

A. Billiard parlour.

Q. When did you get the licence for that?

A. It would be last year in August.

Q. What address is that at?

A. 1023 Centre Street.

THE COMMISSIONER: What is the name of it?

A. Centre Billiard Parlour.

MR. WILSON: Q. And did Chief Fay support your application for that licence?

A. Well, I got it, I just made an application and it was granted to me.

Q. Don't the police have to make a report on applications of that kind?

A. Well, I don't know much about that.

Q. You don't know?

THE COMMISSIONER: You got the licence in August of what, last year?

A. Yes.

MR. WILSON: Q. Was it renewed in the spring of this year?

A. Yes, it has been.

Q. Do you know Joseph McDermott?

A. I do.

Q. How long have you known him?

A. A good many years.

Q. Well, what is "a good many years"?

A. Well, we will say maybe fifteen to twenty years.

Q. Do you know Vincent Feeley?

A. Yes, I do.

Q. How long have you known him?

A. I imagine about the same time.

Q. And would it be fair to say that your main livelihood in the last ten or fifteen years has been as a gambler?

A. No.

Q. Is that just a side line?

A. No side line at all.

Q. No side line at all. But all these convictions that we see here for being found in a gaming house and actually being the keeper, how do you explain them?

A. Well, any time the Provincial Police see me in a place they always charge me.

THE COMMISSIONER: I beg your pardon?

A. Any time the Provincial Police see me in a place they always charge me.

Q. But you wereconvicted.

A. Well, I can't help it if I get convicted, but they charge me as a keeper - I could be out on the street and they will charge me as a keeper.

Q. Did you plead guilty to any of these offences?

A. I think I did to a couple.

Q. Well, then, you admitted it?

A. There is some they charged me I had nothing to do with.

Q. And the court apparently held that you had?

A. Well, I can't help that, what

they rule on.

MR. WILSON: What have your relations been over the years with Feeley and McDermott?

A. Well, good friends.

Q. What have you dealings been with them?

A. Well, I have bet horses with them on and off.

Q. Is there nobody in Niagara Falls with whom you can bet horses?

A. Yes, but sometimes you like to bet with certain people.

Q. So that you would make your bets in Toronto rather than Niagara Falls?

A. Hm,hmm.

THE COMMISSIONER: Don't say "hm,hm". Just say "yes".

A. Yes.

(Page 10,910 follows)

B/ADO'N/1

MR. WILSON: Q. Now, what was your connection with the old Lorelai Club?

A. I was a member of the club.

Q. Yes. And were you a member of the Hamilton Businessmen's Bridge and Chess Club?

A. I believe I was.

Q. And were you a member of the Canadian Merchant Navy Veterans Association?

A. I believe I was.

Q. Were you a veteran?

A. No.

THE COMMISSIONER: Just a moment. What is the corporate name of that?

MR. WILSON: Canadian Merchant Navy Veterans Association.

THE COMMISSIONER: Thank you.

MR. WILSON: Q. And were you associated with the Frontier Veterans Association?

A. I was a member.

Q. You were a member there. And did you have anything to do with the actual operation of that club?

A. No, I did not.

THE COMMISSIONER: Who did?

A. Sam Hirsch.

Q. You are now speaking of the Frontier Club? Just answer.

A. Yes.

Q. Was he known by any other name?

A. Well, he had a nickname. They called

him Ginsey.

Q. And he operated the Frontier Club?

A. That is right.

Q. For how long?

A. Well, I don't recall.

Q. As long as you knew anything about the club?

A. Well, while it was operating.

Q. While it was operating. How long did it operate?

A. I don't know. Maybe two or three months or so. I don't know.

Q. How did you know he was the operator?

A. Well, he came down there with a large sum of money.

Q. Came down where?

A. To the Frontier Club.

MR. WILSON: Q. Well, how much money is a large sum of money?

A. I don't know. He used to have quite a bit.

Q. What would it require to bank that operation?

A. I mean, he never showed me his money. He had a large sum of money.

Q. You were a frequenter there. You were there regularly?

A. Not every night.

THE COMMISSIONER: No, you missed some

nights.

MR. WILSON: Q. Yes. And did Ginsey have anything to do with the operation of the club when it had the federal charter as the Army -- or the Canadian Merchant Navy Vets Association?

A. I don't remember.

Q. Did he just come in when it became the Frontier Veterans?

A. No, he has been down that way about seven years.

Q. About how many years?

A. He has been down that way about seven years, towards the Peninsula.

Q. Operating in Bertie Township only?

A. In different places.

Q.q What were the different places he operated in?

A. All those clubs that you mentioned.

Q. All the clubs that I have mentioned?

A. Yes.

Q. And they were all in Bertie Township; is that right?

A. That is right.

Q. Any others?

THE COMMISSIONER: Excuse me, Mr. Wilson.

Q. Let me understand this, now. Did you know Hirsch pretty well?

A. He came around there for the last seven years.

Q. And you knew him as the operator of the Lorelei Club?

A. I don't remember if he was the operator of the Lorelei Club.

Q. I just understood you to tell Mr. Wilson that he was?

A. He mentioned so many clubs.

Q. That is why I am taking you over them one at a time.

A. He could have. I don't recall.

Q. You name the clubs which he operated.

A. I beg your pardon?

Q. You name the clubs which he did operate?

A. I believe it was the Merchant and the Frontier.

Q. Any others?

A. I believe he had something to do with the Ramsay Club.

Q. Yes?

A. That is all that I know of.

Q. Which Ramsay Club?

A. Well, the Ramsay Club.

MR. WILSON: Q. At what address?

A. Gee, I don't know the address.

Q. You know when the Ramsay Club ---

A. It was on Stanley Street.

Q. It was on Stanley Street. That was 1648 Stanley?

A. That could have been the number. I don't know the number.

THE COMMISSIONER: Is that the old or the new?

MR. WILSON: That is the old Ramsay Club -- I am sorry, it is the new club. What we know as the old Ramsay Club was 1593 Victoria -- 1693 Victoria, not 1593.

THE COMMISSIONER: Q. Do you remember when the Ramsay Club was on Victoria Avenue?

A. Yes, I have heard the Ramsay Club was on Victoria Avenue.

Q. I didn't ask you that. Do you remember when it was there?

A. Yes, I do.

Q. Do you remember later it opened up on Stanley Street?

A. Yes, I do.

Q. Was he the operator at both places?

A. I believe he was.

Q. Why do you believe that?

A. Because he came around there.

Q. So did you?

A. Yes. Not every night.

Q. Who was associated with him?

A. I believe he came from Toronto down there alone.

Q. You are now speaking of the Ramsay Club?

A. Yes.

Q. Or are you going back to the earlier clubs?

A. Well, Mr. Wilson, I believe, said about the Ramsay Club he was talking about.

Q. That was one. Which is the first club that you know him to have operated?

A. I believe it was the Merchant and Navy.

MR. WILSON: Q. That is in Bertie Township?

A. Right.

Q. Now, you were pretty close to McDermott and Feeley. You went on trips with them?

A. I did.

Q. And when the Frontier Club started to operate under the provincial charter, it had a little trouble with the police?

A. That is right.

Q. Particularly after the 1st of January, 1958, when Bertie Township took over?

A. That is right.

Q. And then as a result of the difficulties what did you and Ginsey do?

A. I didn't do anything.

Q. You didn't do anything. Then, you know David Humphrey?

A. I do.

Q. The lawyer?

A. I do.

Q. And did you meet and discuss the problem with him?

A. No. I remember one time Dave Humphrey came down there and he asked some of the members what was going on.

Q. Well, at page 3545 and 6, he has sworn in his evidence ---

THE COMMISSIONER: Page what?

MR. WILSON: 3545. That before he met Chief Constable Johnston he had a meeting with this witness and with Ginsey and they, at line 26 of page 3545, the transcript reads as follows:

B/2 "Q. Well, you didn't go and make "representations without some client, "I take it?"

He has already said McDermott had told him to go over.

"A. No. I spoke to, as I recall it, "two people that were somehow, I "thought, connected with the club. "One of them is a man I had met, I "think, once before, 'Chief' Borelli, "and the other was a man known to me "as 'Ginsey', and I think it was "'Ginsey' who gave me most of the "information."

And then at line 9 on page 3546, or at line 14:

"Q. Where did you have a meeting "with 'Chief' Borelli?

"A. I imagine it would be at Ginsey's "home, or where Ginsey lives."

Q. Now, do you recall meeting with Humphrey at that time?

A. I did. I met him at the Frontier.

Q. You say the meeting took place at the Frontier Club?

A. He came there one night, yes.

Q. And not at Ginsey's home?

A. No.

THE COMMISSIONER: Just excuse me.

Q. What was the address of Ginsey's home? What street?

A. I have no idea.

Q. What street did he live on?

A. He lives in Toronto.

Q. He did then?

A. And he stayed at a hotel there, some place.

MR. WILSON: Q. He didn't stay at Sid Ross's mother's, did he?

A. I believe he did.

Q. Why did you say a hotel, then?

A. And he did stay at a hotel in Niagara Falls.

Q. Where did Sid Ross's mother live at that time?

A. I don't know the address. I think it was at Garrison Road.

Q. In what city?

A. What city?

Q. Yes.

A. I think it was either in Fort Erie or Ridgeway.

Q. Was Ginsey over there every night at the Merchant Navy and later at the Frontier?

A. He was there practically every night.

Q. Practically every night. And you say he was the bag man. He brought the money?

A. That is right.

Q. Who else was interested in the operation? That is the Frontier Club.

A. I don't know.

Q. You were a regular attendant there and close enough to the picture to advise Humphrey?

A. I didn't go there every night, and when I went there I played different. I was playing cards.

Q. You were playing what?

A. Cards.

Q. You didn't participate in the bank game?

A. No. Sometimes they had a fade game and I got in the fade game.

Q. And why would Joseph McDermott be sending Humphrey over to talk to Ginsey and you?

A. I have no idea.

THE COMMISSIONER: Q. Why was Ginsey carrying this large amount of money?

A. Well, he was known as a big-time gambler.

Q. He was operating the place, you say?

A. Yes.

THE COMMISSIONER: Yes.

MR. WILSON: Q. Did you actually gamble at this club?

A. I did.

Q. Did you also have something to do with the operation?

A. No, I did not.

Q. Were you ever paid any money for any services you rendered to that club?

A. No.

Q. Did you ever get any part of the profits?

A. Never.

Q. Did you ever put up any part of the money?

A. Never.

Q. Why would Humphrey swear, as he has, that he met the two of you by pre-arrangement, before he saw Chief Constable Johnston?

A. When Humphrey came down there, he spoke to about eight of us.

Q. Who were they?

A. I just don't remember who the number was.

Q. He hasn't told us he talked to eight. He picked out you, Borelli, and Ginsey, as the two he talked to. You say he talked to eight?

A. Yes.

Q. He talked to eight?

A. He talked to eight. That was as to the condition of the club.

Q. Now, isn't it a fact that you were a representative of McDermott and Feeley at that club?

A. That is not true.

Q. You swear it isn't true?

A. I swear to it.

Q. You swear you never, in any way, acted on their behalf in connection with either the Merchant Navy or the Frontier or the old Ramsy?

A. That is right.

Q. Now, did Ginsey, as well as being the bag man, did he play in the game?

A. He always played.

Q. He always played?

A. Sure.

Q. Did he gamble?

A. Sure he gambled.

Q. Was he gambling, then, against his

own money?

A. When a fellow gambles, he gambles with everybody.

Q. You told me he was banker?

A. Yes.

Q. You say despite the fact that he was banker, he played?

A. That is right.

Q. How successful was the club?

A. I have no idea.

Q. But you were there regularly. You saw how things were running?

A. Yes. I was only a member. I didn't pay attention to everything that was going on.

Q. Was it a profitable enterprise?

A. I didn't pay attention to everything.

Q. I am asking you if it was a profitable enterprise?

A. I have no idea whether it was or not.

THE COMMISSIONER: Q. How did you make out? Did you win, lose or draw?

A. Well, when you play, sometimes you win and sometimes you lose and you don't keep track of it.

THE COMMISSIONER: All right. You didn't keep track of it. Ginsey never went broke.

MR. WILSON: Q. What did you know about

his financial position at the time the club closed up?

A. Oh, I have no idea.

Q. Now, we have a record of certain calls that were made from Crescent 8-2538, Port Credit, which was a telephone number used by both McDermott and Peeley, and it shows quite a number of calls to you. Your number was Niagara Falls, Elgin 4-4874?

A. That is right.

Q. Now, we see through May, June and July of 1958, quite a number of calls to you. What were those calls all about?

A. Well, I used to bet horses with him and lots of times I would call him to get me tickets for the hockey game.

Q. I suppose you were playing hockey in May and June over in Niagara Falls or Toronto?

A. No. These were other calls.

Q. These were all May, June and July?

A. I would call him about betting horses at the time.

Q. You would call him about betting horses?

A. Yes.

THE COMMISSIONER: Q. Where were the horses running then?

A. I believe it was in Fort Erie,

and in June they were in the Woodbine in Toronto.

MR. WILSON: Q. How would you settle up?

A. Once in a while I would take a trip up here and he would take a trip down there.

Q. Was it with both McDermott and Feeley or just McDermott?

A. Well, it was McDermott.

MR. WILSON: McDermott.

THE COMMISSIONER: Q. Not Feeley?

A. No.

Q. Never?

A. Never.

MR. WILSON: How many numbers did you have that you could call through to McDermott?

A. Just my own number.

Q. I mean when you wanted to call him in Toronto, how many numbers did you have?

A. I believe just the one.

Q. Well, we see also that there are calls to your number from what we know as the Gogek number, which is another telephone of Feeley and McDermott.

A. What is the number?

Q. The number in this case, Crescent 8 --- At all events, you say you only had one number in 1958 which you called?

A. Yes, unless his phone number was changed.

Q. Now, you know Anthony Mitchell?

A. I do.

Q. He claims you were the fingerman for the Ramsay Club brief. What would you say to that?

A. What is that?

Q. He claims you were the finger man for the Ramsay Club brief. What would you say as to that?

A. That is not true.

Q. It is not true. Did you have anything to do with the preparation of the Ramsay brief?

A. No, I didn't.

Q. Did you have anything to do with any steps that were taken to close up the old Ramsay Club?

A. Never did anything like that in my life.

Q. When did you first hear about the efforts made by McDermott and Feeley, or particularly by Feeley, to assist the police in closing up the Ramsay Club when it was operating at 1693 Victoria Avenue?

A/3

A. I read it in the paper, was the first time that I heard it.

Q. The first time you heard it. Did you ever hear of Script Mitchell being blamed for that brief?

A. No, never heard it.

Q. Now, we had some evidence yesterday when Joseph McDermott was a witness, and he told us that you had informed him that a friend of yours had told the Ontario Provincial Police, within recent months, that Script Mitchell or Anthony Mitchell was living in the Port Erie area?

A. I never told him that. I told him a fellow came in the poolroom, Patsy Rocco, and told me.

Q. Where does Patsy Rocco live?

A. Niagara Falls, Ontario.

Q. What is his address?

A. I don't know his address.

Q. Where does he work?

A. At the Norton.

THE COMMISSIONER: Q. What did you tell McDermott?

A. Do you want the story?

Q. I want to know what you told McDermott.

A. I told McDermott Patsy Rocco told me in the poolroom a fellow that works with him, Bill Storage ---

Q. Bill who?

A. Bill Storage. Told him he seen Peter Mitchell near Port Erie, and he also reported to the Ontario Provincial Police.

Q. You saw him when?

A. When Patsy Rocco told me this?

Q. Rocco told you that Bill ---

A. Bill Storage.

Q. --- told him that he had seen Script Mitchell?

A. Near Port Erie.

Q. When?

A. When he told me, I think it was about two or three months ago.

Q. Well, do I understand you, that He told you that two or three months prior to the da te he was talking to you that he had seen Script Mitchell?

A. This fellow was supposed to have seen Script Mitchell and reported to the Ontario Provincial Police. His name is Bill Storage. He works at the Norton Company.

MR. WILSON: Q. How often have you talked to Joseph McDermott since you have been subpoenaed to appear here?

A. I have talked to him several times over the phone and seen him.

Q. Have you discussed the Commission with him?

A. Whatever we read in the paper.

Q. What you read in the paper?

A. Well, all that we read in the paper, about this and that.

Q. And did you have a meeting with him since you were subpoenaed?

THE COMMISSIONER: Q. Did you come over to Toronto to see him?

A. No meeting. Just went to see him as a friend.

Q. You came toToronto to see him?

A. Yes.

Q. When?

A. Oh, I don't recall.

Q. When were you subpoenaed?

A. I was subpoenaed in April.

Q. Just a minute. And how long after you were subpoenaed did you come over to Toronto to see McDermott?

A. Oh, maybe two or three months after that.

Q. That long after?

A. Yes.

MR. WILSON: Q. And did you decide at that meeting, if everybody told the truth, everybody would be all right?

A. Nobody talked about that.

Q. Nobody talked about telling the truth?

A. We weren't talking about not telling the truth. You got to tell the truth when you are up here.

THE COMMISSIONER: I wish everybody thought that.

MR. WILSON: Q. What was your association with Sam Nelson?

A. Oh, I just know Sam.

Q. You knew him from the old Pble Club in Niagara Falls?

A. Yes.

Q. What was it? A gambling establishment?

A. We used to play cards a lot there.

Q. Now, also you know former Provincial Police Constable Lamorie, didn't you?

A. No, I don't know Lamorie.

Q. Have you talked to Lamorie since he left the Force?

A. Never.

Q. Where is that diary? You know him?

A. I know him as a police officer. I didn't even know his name. I have seen him.

Q. Why would Lamorie swear, at page 6916, that after he left the Force he had a discussion with you? At line 26 he is asked:

"Q. Did you have any discussion "with him since you left the police "force, Felix Borelli?

"A. Yes.

"Q. You have?

"A. Yes."

Now, you say you have never talked to him since he left?

A. A lot of these policemen, you see them, but you don't know their name.

THE COMMISSIONER: Q. You know Lamorie to see him?

A. No, I don't.

MR. WILSON: Well, he says he knew you?

A. Well, I guess he must know me when he came on raids.

Q. He saw you at the club, of course, from time to time, when it was raided?

A. I think he has.

Q. And he says that he talked to you after he left the Force. You say you didn't talk to him. That is what it amounts to?

A. I don't remember their names. Any time I see them down at the Falls, I talk to them.

Q. Now, after the Ramsay Club was operating at Stanley, 1648 Stanley, after it went out of business which one of the Saccos took over the furniture there?

A. Who? Saccos?

Q. Yes, that is right. Do you have anything to do with what goes on at 1025 Centre Street in Niagara Falls?

A. That is part of the poolroom, upstairs.

Q. That is part of the poolroom?

A. Right.

Q. Didn't some of the furniture, which

was at 1648 Stanley, move to 1025 Centre?

A. A fellow bought the stuff and rented the place upstairs.

Q. Upstairs over the poolroom?

A. Yes.

Q. What fellow?

A. Carmen Patscuti.

Q. What did he do with it?

A. He rented it. He wanted to have a little club.

THE COMMISSIONER: Q. What is his name?

A. Patscuti.

Q. His first name?

A. Carmen.

Q. Spell Patscuti, whatever it is.

A. I don't know just how to spell it.

Q. How do you pronounce it?

A. Patscuti.

MR. SWAYZE: Mr. Commissioner, I would think it is P-a-t-s-c-u-t-i.

THE COMMISSIONER: Q. He bought the furniture from the old Ramsay Club?

A. I believe he did. I don't know.

Q. He got the furniture?

A. He gotthe furniture, right.

Q. What did he do with it?

A. He rented my place upstairs.

Q. Above the poolroom?

A. Right.

Q. Immediately before he rented it,

to what use was that place put?

A. Well, I just had rented the place and upstairs was practically empty, like a hall, so I rented it.

Q. Was it all one big room?

A. Not exactly all one big room.

Q. Describe it to me.

A. There are two rooms there, a kitchen in the back, and the room would be about twenty to thirty feet long and maybe twenty feet wide.

Q. Yes. You say he rented it from you. Did you have a lease with him

A. No, I didn't.

Q. It was verbal?

A. No, it was rented by the month.

Q. But verbally?

A. Yes.

Q. How much rent?

A. $75 a month.

Q. And he rented it with the intention, as you say, of having a little club there?

A. A social club, yes.

Q. Did he?

A. Well, he had it for about three months.

Q. What did he call it?

A. Oh, I just forget the name he called it.

Q. Don't you remember?

A. No, I don't.

Q. How long did he continue there?

(Page 10935 follows)

C/1/3H

A. He stayed there about three months, and then he closed it up, but he didn't pay me for no rent, so I closed the doors.

THE COMMISSIONER: Q. And you got the furniture?

A. It is still there, until he pays me.

Q. Do you use the place?

A. No.

Q. Did anybody use it -- has anybody used it since he left?

A. Nobody has.

Q. What does it consist of?

A. You mean the furniture?

Q. What does the furniture consist of?

A. About four tables, and chairs, a television, and a pool table.

Q. And where is this man Patscuti now?

A. He lives in Niagara Falls, I don't know whereabouts, though.

Q. Have you tried to get rent from him?

A. Yes.

Q. What did he say?

A. He says he has got no money.

Q. Did he say you had better turn the furniture over?

A. I am going to keep it until he pays

it.

Q. You are not using it?

A. No, but it is up there.

Q. Is the place for rent now?

A. Yes.

Q. Furnished?

A. No, but the furniture is still there, and I have told you, provided I rent it --

Q. Rent it out as a furnished place?

A. Well, maybe, I don't know,maybe I will sell the furniture that is in there.

MR. WILSON: Q. Were there any American interests in the operations of the Merchant Navy and the Frontier?

A. Not that I know of.

Q. Now, the old Ramsey Club on Victoria, that had American interests in it, didn't it?

A. Well, I wasn't up there very often, I only went there once or twice.

Q. You did go there occasionally?

A. Yes, once or twice.

Q. And isn't it a fact that the Americans had a piece of that club?

A. I have no idea.

Q. Did you know Benjamin - Ben Nicolette?

A. I have heard of the name.

Q. Did you ever meet him?

A. Well, you meet many people.

Q. Did you, or didn't you?

A. I believe I have.

Q. Yes, and did you ever meet Dominic Mantel?

A. I believe I have.

Q. And what did you know about those two men?

A. I don't know much about them.

Q. You know something about them?

A. I don't.

Q. You live in the Niagara Falls area?

A. Yes, but they live in Niagara Falls, New York.

Q. I know that, but, what is their reputation?

A. They like to gamble.

Q. And when the Ramsey Club charter moved over to Stanley Avenue, were there any -- I will put it to you this way, were the interests running it different than the interests that had run the operation at Victoria?

A. I have no idea.

Q. You went there?

A. I know, I was a member there.

Q. And was it the same set-up, or a different set-up?

A. I don't believe it was the same.

Q. You don't believe it was?

A. No.

Q. But some of the people who had been in the Victoria Avenue set-up were still in the operation at Stanley, is that right?

A. I believe they were members there, yes.

Q. Like, for instance, the Iannuzzellis - were members there?

A. They were there.

Q. And they would be members at both clubs?

A. That is right.

Q. And who was the steward at the new Ramsey Club?

A. I believe it was Sid Ross or Ralph Agretta.

Q. Had they been associated with the Frontier?

A. I believe Sid Ross was.

Q. You known - you don't believe - you know Sid Ross was associated with the Frontier?

A. Well, he was the steward.

Q. Why did you say you believe he was?

A. Well, they changed on and off.

Q. And did Ginsey have something to do with the new Ramsey?

A. Yes, he did.

Q. Well, after - after the Frontier closed, he moved into the new Ramsey?

A. He was down there.

Q. He was down there regularly, wasn't he?

A. That is right.

Q. Just like you were there regularly?

A. Not every night.

Q. And Ginsey had nothing to do with the old Ramsey, had he?

A. I don't believe he did.

THE COMMISSIONER: Just a minute. What do you mean by that, that he didn't - that is what you say?

A. I don't believe that he did.

MR. WILSON: Q. Are you known as the "Chief"?

A. Well, I got that name, yes.

Q. Now, you keep firearms on your premises?

A. I did, once.

Q. You did once; in fact, when a couple of Provincial constables came to your residence in Niagara Falls, you pulled out the gun, didn't you?

A. I did.

Q. Why did you do that?

A. Because they came towards me, they threatened me.

Q. They were threatening you?

A. Yes.

Q. What were they threatening you about?

A. Because they wanted to do other things in the house that I didn't want them to do.

Q. And what was that?

A. What is that?

Q. What were they doing in the house that you didn't --

A. Well, they wanted to take a lot of stuff out of the house, and I told them, "You cannot take anything out until you call the local police" and they both walked towards me, and said, "We don't have to".

THE COMMISSIONER: What were they threatening to take out?

A. Well -- (inaudible) and keys and some other papers, which didn't mean nothing to them.

MR. WILSON: Q. This was in August of 1959, and the officers were Scott and Moore.

A. That is right.

Q. And so you drew a gun on them?

A. I didn't point it at them.

Q. You did not point it at them?

A. No.

Q. Well, did you have a licence for that gun?

A. I did.

Q. Who had you got the licence from?

A. I got it - when you get firearms - I think it was in the paper that you had to report to the Mounted Police, and you had to register —

Q. Who did you register it with?

A. With the Mounted Police, I believe it was the Chief of Police.

Q. In Niagara Falls?

A. Yes.

Q. And this was when - when did you register it?

A. I don't know, it is a long time ago.

Q. No. You know when you registered it - it was 1955, wasn't it - October the 13th, 1955?

A. I just don't know what date it was. It was a few years ago.

Q. And what reason did you give for wanting to have firearms in your —— ?

A. It came out in the paper that if anybody had firearms they had to register them.

Q. How long had you had it before that?

A. I probably had it - I brought it from the old homestead.

Q. Well, prior to 1955, you had been convicted of shopbreaking, and you had been charged with robbery, and arson, and you say that the police then approved of you having a gun?

A. I went for the licence and they gave it to me.

Q. And why did you need a gun?

A. I had to register it, because anybody who had a gun ---

Q. I asked you why you needed it?

A. I had it, that is all. I brought it from the homestead.

THE COMMISSIONER: Q. Where is the homestead?

A. When my parents left, I brought the gun here.

Q. Where is the homestead that you speak of?

A. 1711 Stanley Street.

Q. What sort of weapon was it - a revolver?

A. It was an automatic 32.

Q. Very well.

MR. WILSON: Q. That is all, thank you.

EXAMINED BY MR. HOGG:

Q. Now, witness, I suggest that at the Ramsey Club you were there almost continuously?

A. I used to go there maybe three or four times a week.

Q. Almost every day the club was operating, you were there?

A. Not every day.

Q. Almost every day?

c/2 A. I told you three or four times a week.

THE COMMISSIONER: Q. Did you have a place of business at that time?

A. Outside of my tourist home, I had a tourist home.

Q. Speak up, please, I cannot hear you.

A. I said outside of my tourist home.

Q. You had something outside of the tourist home?

A. No, you said -- I didn't get your question.

Q. I was saying at that particular time when you were at the Ramsey Club, three or four nights, would it be?

A. At nights, yes.

Q. Three or four nights a week. Did

you have any business of your own, and the answer is, as I now understand it, you had your tourist club house, or your tourist home?

A. That is right.

Q. And the address you have given us. Did you have any other business interests?

A. No.

MR. HOGG: Q. And almost every time that the police raided the Ramsey Club you were there?

A. I was there, yes.

Q. Now, Hirsch was never there when it was raided?

A. Hersch had been there lots of times.

THE COMMISSIONER: Q. When it was raided?

A. Sure.

MR. HOGG: Q. Is that your evidence?

A. I believe he has been there lots of times.

Q. You have left the impression with the Commissioner that Hersch was running this place, and you were merely going there as a card player, as a customer?

A. Yes.

Q. I suggest you were the man that was running the place?

A. I wasn't running the place.

Q. And Hersch was just a flunkey who

went there occasionally?

A. Hersch was there every night.

Q. Why wasn't he there when the police raided the place then?

A. I don't know. He was there lots of times when the police came.

Q. But there was one time that you were there, when the police raided there, and that was the time it was knocked off, is that right?

A. When was that?

Q. The last raid.

A. What place are you talking about?

Q. You know what club I am talking about, about when the Ramsey Club was closed.

A. It was never knocked off, the Ramsey Club.

Q. Well, it did not operate - it ceased operations for a while?

A. Yes, it did.

Q. What about the raid on August the 18th, 1960?

A. Well, what about it?

Q. You were there on that date, and that was the raid that was conducted as result a ~~result~~ of this brief that contained all the information about what was occurring there - you were there that date, were you not?

A. I don't know what date you are

talking about.

Q. The Ramsey Club was raided and --

A. What Ramsey are you talking about, the new or old?

Q. The old.

A. No, I wasn't there. I told you I was only up there two or three times.

Q. Is that your evidence - only two or three times?

A. That is all.

Q. Have you ever heard of the Italian Niagara Frontier Club?

A. I really don't know.

Q. You don't know whether you have heard of that or not? I suggest to you that over the past few years you have discussed the possibility of operating this Italian Niagara Frontier Club above your billiard academy?

A. No, I never did.

Q. You never discussed that?

THE COMMISSIONER: Let me understand something. You say you were only at the old Ramsey Club two or three times?

A. That is right.

Q. But you were at the new Ramsey Club about three or four times a week?

A. Yes.

MR. HOGG: Q. Now, it is a matter of record that you - I understand that you were

there on that raid on August 18th, 1958, would you have any reason for staying away that night?

A. No, no reason at all.

Q. Didn't you know the police would be raiding that night?

A. No, I didn't.

THE COMMISSIONER: Q. How did it come about you were only at the old Ramsey Club two or three times but when it opened up at the new address, you were there, you say, three or four nights a week?

A. Well, -- (inaudible) --

Q. Were you changing your habits or something?

A. Maybe.

Q. Don't tell me maybe, were you or were you not?

A. I just didn't go up, that is all.

Q. Was the new one any more convenient to your address?

A. Well, I don't know, my lord. I just happened to go there more often, that is all.

Q. I know you went there more often. You say that Ginsey had nothing to do with the old Ramsey Club?

A. I don't know. I don't believe he did.

Q. Well, you would know?

A. I don't know everything that is

going on.

Q. Pretty near everything?

A. No.

Q. Yes?

A. In the gambling business you hear things.

Q. In the Niagara Falls fraternity?

A. You hear things.

Q. Yes, and when the new club opened up, he had a lot to do with it?

A. He did, yes.

Q. Was it your intimacy and friendship with Ginsey that led you to become a more frequent visitor to the new club than you had been to the old one?

A. I had known Hersch for a few years, and I played more games there because they played the kind of games I like there - they played skin.

Q. Didn't they play skin at the old Ramsey Club too?

A. I don't believe they did.

Q. How do you know?

A. At the times I was up there, I didn't see it.

Q. You were only there two or three times?

A. Yes.

Q. And you wouldn't know what was going on the rest of the time?

A. That is right.

Q. No.

MR. HOGG: Q. When the old Ramsey Club was operating, did you spend your time at the Frontier Club?

A. I believe the Frontier Club was closed.

Q. Now, you say that Ginsey was gambling there, and yet he was the bag man?

A. At where?

Q. That was your evidence.

A. At where?

Q. That you believed - what did you mean when you said ----

A. You tell me what you mean.

Q. You testified that Ginsey was the bag man and brought the money. Now, where were you referring to?

A. At the Frontier Club.

Q. And he gambled there as well?

A. He did, yes.

THE COMMISSIONER: Q. Gambled against himself?

A. Well, you just don't gamble against yourself, you gamble against everybody.

MR. HOGG: Q. It would not be his money then he was carrying?

A. Sure it is his money.

Q. Is it?

A. Sure.

Q. If he gambled there?

A. That is right.

Q. Wouldn't he be carrying it for somebody else if he gambled?

A. Not that I know of.

Q. When you used the reference or term "bag man", that means somebody who is going to look after the operators of an operation - you don't call a man that brings his own money a bag man, do you?

A. He came down there with a large sum of money.

Q. Do you use the term "bag man"?

A. I never said "bag". Who said "bag"?

Q. You used the term, "bag man".

A. I never used that term "bag".

Q. Well ---

THE COMMISSIONER: You agreed with the term "bag"?

A. I never used it.

Q. You agreed?

A. I said he used to come down with a large sum of money.

Q. To the Frontier Club?

A. Right.

MR. HOOG: Q. Where did he come from?

A. Toronto, a lot of times he stayed down there.

Q. And this was the money that was

used to bank the game?

A. I guess so.

Q. You say he came from Toronto?

A. Right.

Q. When you agreed with Mr. Wilson when he suggested the term "bag man", my recollection is that you used that term at one time?

A. Bag, no.

Q. In any event, you would agree with me that the term "bag man" means an

C/3 employee or a flunkey that is carrying the money for the operators of a gambling operation?

A. I don't know what you mean by that, but he carried the money.

Q. I am asking you what the term "bag man" means to you?

A. I never heard that word "bag".

THE COMMISSIONER: Never?

MR. HOGG: Q. You have never heard the term "bag man"?

A. No.

THE COMMISSIONER: Well, we are always learning something new, Mr. Borelli?

A. That is right.

MR. HOGG: Q. Now, we have heard that your telephone number in Niagara Falls was Elgin 4-4874?

A. That is right.

Q. And did you tell Mr.Wilson You

know Frank Maglietti?

A. No, I don't believe I know that name.

Q. Or Frank Maggadino?

A. No, I don't believe I know that name.

Q. They were American gamblers, or hoodlums, aren't they?

A. I don't know those names.

Q. You don't know those names?

A. Sometimes you meet fellows that give you a nickname, that is all.

Q. Did you have any reason to call them in New York?

A. Maybe I did, I don't know.

Q. Did you call them?

A. Maybe by nickname, or something, I don't know ---

THE COMMISSIONER: Q. But, on the telephone?

A. I don't know if I did or not.

MR. HOGG: Q. We have a record of those calls.

A. I don't know if I have called them or not.

Q. Would there be anyone else using your telephone, that would call them?

A. Yes, a lot of my people use my telephone, it is a tourist home.

Q. Who pays for the call?

A. If a fellow uses the telephone, he pays for it.

THE COMMISSIONER: Q. It is a pay phone, is it?

A. No,it is a private phone, but a lot of people stay there through the winter, and they call all over.

MR. HOGG: Q. But there is a person-to-person call, there is a record of the man in giving his name. Now, are you saying that you never called either Frank Magliatti or Frank Maggadino?

A. Frank Maggadino?

Q. Yes.

A. No, I don't believe ---

THE COMMISSIONER: Q. Do you recall a man by the name of Frank Maggadino in Niagara Falls, New York?

A. No.

MR. HOGG: Q. Or a Mr. Magliatti?

A. I don't know if that is the same fellow that is called "Butch" but that is his last name.

THE COMMISSIONER: Q. There is a Butch Magliatti, is there?

A. I believe there is, but I don't believe the last name is pronounced that way -- it is hard to understand the last name sometimes, you know, the nickname.

MR.HOGG: Q. What would you be calling him

for?

A. I don't remember.

Q. Now, there is a telephone number Butler 5-4654 in Niagara Falls, New York. Whose number is that?

A. I haven't an idea.

Q. You don't know what number that is?

A. I have no idea.

Q. And you have been calling that number on numerous occasions?

A. What is the number?

Q. Butler 5-4654 in Niagra Falls, New York.

A. I believe that is my sister.

THE COMMISSIONER: Q. And do you believe it is?

A. I don't remember the numbers, my lord.

Q. What is your sister's name?

A. Patari. Lots of times you call certain places and you don't put it down.

Q. Patari?

A. Yes.

Q. What is her husband's first name?

A. Frank.

Q. Patari?

A. Patari.

Q. How do you spell that?

A. P-a-t-a-r-i.

Q. And what street does she live on?

A. I just forget now.

MR. HOGG: Q. Do you know Johnny Papalia?

A. I have heard of him.

Q. Have you met him?

A. I have seen him, but never met him.

Q. Do you know the lawyer John Agro?

A. Yes, I know John Agro.

Q. What would you be calling him about?

A. I just forget what it was now.

Q. Would there be some reason to call a lawyer on more than one occasion in Hamilton?

A. I believe I wanted him to draw up some papers for me or something.

Q. Why not find a local man from Niagara Falls area, or Fort Erie, or Toronto, if there was some-thing in connection with papers?

A. Because I know John Agro.

Q. Unless it was an important matter?

A. I know John Agro, that is why.

THE COMMISSIONER: Q. How long have you known him?

A. A good number of years.

Q. How long?

A. I would say fifteen or twenty years.

MR. MOGG: Q. Did you --

THE COMMISSIONER: Q. Has he ever done any legal work for you?

A. I don't remember.

MR. MOGG: Q. It was just some papers or a lease, or something of that sort, that you would be calling a lawyer out of town?

A. You don't remember everything you do unless you write it all down.

Q. If it wasn't a fairly important matter you would go around the corner to get some lawyer to do it?

A. Not necessarily.

Q. For an affidavit or something like that?

A. Why did I bring a man from Welland when I could have brought one from Niagara Falls - why didn't I bring one from Niagara Falls?

Q. Did you ever make any flights with McDermott?

A. Any what?

Q. Any airplane flights with him?

A. I wouldn't go in a plane.

THE COMMISSIONER: Q. Well, you didn't, then?

A. No.

MR. MOGG: Q. When did you first hear

yesterday that you were required to be here today?

A. I wasn't home. The wife received a telephone call about one o'clock.

Q. When did you first hear of it?

A. I heard it about -- I think about three.

Q. Where were you?

A. I was out.

Q. Where?

A. I was down the centre, and then my wife got in touch with me.

Q. By telephone?

A. Yes.

Q. And after she told you this, that the Commissioner required your presence here, who did you tell?

A. What do you mean?

Q. Who did you tell that you were coming here?

A. I called the Provincial Police.

Q. Who else?

A. That is all,because everybody was telling me that my name was over the air, that there was a warrant out for my arrest.

THE COMMISSIONER: Did you say it came out over the air that there was a warrant out for your arrest?

A. Yes.

Q. Did you hear it?

A. No, I didn't. My sister-in-law did.

MR. HOGG: Q. Did you ever keep any book on your bets?

A. No.

Q. Did you ever use any back ends?

A. No, I used to hand book a lot.

Q. You never used any back ends?

A. No.

Q. Never?

THE COMMISSIONER: Q. Who did you lay off the bets with?

A. They were only small bets at atime, my lord.

Q. Who would you lay them off with?

A. I never -- once in a while I would call to McDermott.

Q. Did you lay off with him?

A. -- (No response)

MR. HOGG: Q. I have a couple of final questions in regard to the weapon of yours. You say you brought it from the old homestead?

A. That is right.

Q. Whose had it been before?

A. My father's, I believe.

Q. An automatic?

A. Yes.

MR. HOGG: That is all.

THE COMMISSIONER: Mr. Rose, have you

any questions?

MR. ROSE: Yes.

EXAMINED BY MR. ROSE:

Q. Mr. Borelli, perhaps you will clarify something for me. You say that Mr. Mersch, also known as Ginsey, was running the Frontier Club at Bertie Township, and that he would also gamble at the club?

A. Oh, yes.

Q. Well, if he were running the club, how would it come about that he and himself would be gambling?

A. Well, he had to sit at the table, or stand at the table, to gamble.

Q. The type of game that went on, was that a game where all players played against the house, that is the house covered all bets on the dice, or the players played with each other?

A. A lot of times they played with each other.

THE COMMISSIONER: Q. And on the other occasions what?

A. I believe sometimes maybe Ginsey would take more bets.

MR. ROSE: Q. More bets than who?

THE COMMISSIONER: Q. Against the house?

A. Yes, bets against him.

MR. ROSE: Q. I am sorry; sometimes Ginsey would take more bets?

A. Yes.

Q. More bets than who?

A. Well, than they were playing one another, maybe he would be play with two or three other fellows.

Q. Is that what you call a bank game?

A. I would not say it was a bank game.

Q. Would there ever be any games carried on at the Frontier Club where a player would bet against the house?

A. I never noticed any while I was there.

MR. ROSE: All right, thank you.

THE COMMISSIONER: Any questions, Mr. Wilson?

MR. WILSON: Yes.

EXAMINED BY MR. WILSON:

Q. Have you ever had any gainful employment in your life?

A. What is that?

Q. Do you know what I mean by "gainful" - any legitimate occupation, or business?

A. Yes, I had a billiard parlour before I had this one.

Q. When did you get that?

A. Oh, I believe it was in 1947 or '48.

Q. Was that the first legitimate business you were ever operating?

A. I believe it was.

MR. WILSON: That is all.

THE COMMISSIONER: Q. During your livelihood?

A. I worked all over.

Q. Doing what?

A. Construction work and I worked for Dominion Chain, and the chemical plant, and American Can, and I worked --

Q. Mr. Wilson apparently did not understand you.

MR. WILSON: I am sorry.

THE COMMISSIONER: He said before he got his first billiard parlour, he worked --

A. He meant business.

Q. Any legitimate occupation?

A. Oh, I thought he said legitimate business.

MR. WILSON: I am sorry to mislead you.

THE COMMISSIONER: Yes, he said he worked all over; on a salary basis, was it?

A. Yes.

MR. WILSON: Q. Where?

A. I worked at the chemical plant, the Dominion Chain, the Naughton Company, the American Can, on construction work.

Q. Well, the police report I had did not suggest you had any occupation such as that, or any, but you tell me you --

A. All you have to do is to write to these places I mentioned.

Q. Did you work continuously over the years up to 1947?

A. I sure did.

Q. You are quite sure you did?

A. Yes, you can write to these places I mentioned if you like.

MR. WILSON: No. I wanted to show you an exhibit we have here, Exhibit 261 - that is a picture - do you recognize that photograph?

A. I do.

Q. Who is it?

A. That is Benny Niccoletti.

Q. Now, that is an exhibit. Now,

I show you another photograph, do you recognize the person shown there?

A. Yes, that is Dominic Mantel.

Q. That will be the next exhibit, Mr. Commissioner, the photograph of Dominic Mantel. We have not got this photograph filed.

THE COMMISSIONER: Very well, that will be 265.

MR. WILSON: What exhibit number is that?

THE COMMISSIONER: 266.

---EXHIBIT NO. 266: Photograph of Dominic Mantel.

MR. WILSON: What is that exhibit number, please?

THE REGISTRAR: 262.

MR. WILSON: I show you another photograph, which has been filed here as Exhibit 262. Do you recognize that person?

A. I might have seen him, I cannot swear to it, because after all you meet a lot of people.

MR. WILSON: That is all, thank you.

MR. SWAYZE: There are one of two series of questions that I would like to ask to clear up one matter. I think there may be a misconception --

THE COMMISSIONER: You tell me what they are.

MR. SWAYZE: It has to do with this pointing of the gun on the police officers.

THE COMMISSIONER: All right. Go ahead.

EXAMINED BY MR. SWAYZE:

Q. You stated, when you were asked the question, "Did you pull a gun", do you remember that question?

A. Yes.

Q. Well, did you carry the gun on you at that time?

A. No.

Q. Wasn't it a fact that the gun was found during the search of your house?

A. Yes.

Q. And the gun was on the table?

A. Yes, they asked me if I had a gun, and it was on the table - the dresser.

Q. And you did not pull the gun?

A. No.

MR. SWAYZE: Thank you.

THE COMMISSIONER: Q. You grabbed the gun, though?

A. I did, yes.

Q. And held it in a menacing manner?

A. I had it by my side.

Q. In a menacing fashion, just as much to say, "Take those things at your own risk"?

A. They were doing things at their own risk.

Q. Never mind what they did.

A. You are not interested in what the police do?

Q. Yes, but at the moment I am interested in what you did with the gun.

A. I held it along my side.

MR. SWAYZE: As I recall - I did not act for him in this particular matter - Mr. Commissioner, but as I recall the words at the trial were, they said, "Would you stop us with the gun?" or something like that, "If we are going to take such a thing".

THE WITNESS: What is that?

MR. SWAYZE: What was the wording, as you picked up the gun?

A. I asked them if they were going to take anything out of there, to call the local police, and they both walked towards me and said, "We don't have to".

THE COMMISSIONER: And then you grabbed the gun?

A. Yes.

Q. That is how I understand it, pretty well.

MR. SMATZE: Thank you.

MR. WILSON: Thank you.

THE WITNESS: Is that all?

MR. WILSON: That is all, thank you.

THE WITNESS: That is all? This is the second time I have been here, my lord. How is that?

THE COMMISSIONER: It is the first time I have seen you.

MR. WILSON: You may be called a third time, that is all for you for today.

THE WITNESS: I don't care if I am called here twenty-four times.

THE COMMISSIONER: All right.

MR. WILSON: All right, off you go.

---The witness retired.

THE COMMISSIONER: We will have a ten-minute recess.

---Short recess.

(Page 10970 follows)

D/GMS/1

MR. WILSON: I will call Dominic Simone. The witness is in the washroom. He will be here just in a moment.

THE COMMISSIONER: How does he spell his name, Dominic?

MR. WILSON: D-o-m-i-n-i-c S-i-m-o-n-e.

MR. HOGG: Mr. Commissioner, while the witness is coming, there was evidence given yesterday by McDermott in connection with this telephone call to Inspector Simmons.

THE COMMISSIONER: Yes?

MR. HOGG: I don't want to delay the procedure. I suggest that, however, he be called, or if he has a report of what transpired on that occasion, that be produced and filed in the record, because I think it would have some considerable significance.

THE COMMISSIONER: Somebody is arranging to get him?

MR. WILSON: Yes. Yes, Inspector Hatch has gone over for him.

DOMINIC SIMONE, sworn,

EXAMINED BY MR. WILSON:

Q. You reside in the City of Toronto?

A. Yes, sir.

Q. And have resided in the City of Toronto, I take it, all your life?

A. Yes, I was born here.

Q. And how old are you?

A. Forty-eight.

Q. Now, prior to 1953 did you operate a floating crap game in the Toronto area?

A. Yes, sir.

Q. For how many years?

A. Oh, several years.

Q. Yes, and then did you have an approach by Vincent Feeley about starting another type of operation?

A. I did.

Q. Just tell us about that?

A. Well, I was getting calls from this Feeley. I didn't know who he was at that time.

Q. Yes?

A. And I just dismissed it as somebody, you know, calling me, bothering me. At that time I used to get a lot of calls. So one day this ---

Q. What was he suggesting in the calls?

A. Well, actually he never suggested

much.

Q. He didn't?

A. But then after I got pinched one day, and a fellow that was in the house got ten days, so then I got a call from Joe McDermott telling me that Feeley was no bum trying to get nothing off me, they had something for me. They wanted -- they had protection that I could run instead of floating around and having a game, I could have a stationary game.

THE COMMISSIONER: Now, just a moment. McDermott called you and said what?

A. That Feeley was no bum trying to get a touch off me, wanting to get anything off me.

Q. Just a moment. Yes, go on?

A. About this stationary game, they mentioned that had I been ---

THE COMMISSIONER: They mentioned -- well, you mean McDermott?

A. McDermott, that if I had been in touch with them, you know, when Feeley had been calling me, I wouldn't have taken that pinch. They could have prevented it.

Q. Yes. Just a moment. Yes? Go on?

A. And then suggested we get together and talk things over.

Q. He suggested?

A. Yes.

MR. WILSON: Q. Now, did you know ---

THE COMMISSIONER: Mr. Wilson, I want to get this. Just a moment.

MR. WILSON: Yes.

THE COMMISSIONER: Approximately when was this?

A. This would be the latter part of '51, I imagine, near the end of -- no, pardon me. It would be the latter part of -- around the middle of '52.

Q. Yes.

MR. WILSON: Q. Now, was this just after the conviction you speak of?

A. Yes.

Q. And ---

THE COMMISSIONER: Who -- who had been convicted? Had you been convicted?

A. No. We were running a floating game. This was the man in the house. He was in bed. A fellow named Johnny Argier.

Q. A-r-g-e-r?

A. I think it was A-r-g-i-e-r, Argier. It is an Italian name.

Q. How did it come about that he had been convicted, when you were running the game?

A. Well, it was a funny affair, now. This fellow was there. He knew we were having a game, but he never showed near the

game. As a matter of fact, he was working evenings, and they come and he was in bed the night we got convicted, and they come and took him right out of bed, and give him ten days.

Q. For operating a game that in fact you were operating?

A. We were running. We were renting ---

Q. Who is "we"?

A. Well, myself, and at that time I had two or three partners.

Q. Who were they?

A. Well, one was my brother. The other was Sam Mulle.

Q. Just a moment. Your brother's name is what?

A. Laurie -- Lawrence.

Q. And Sam -- what Sam?

A. Mulle.

Q. Ulle?

A. Mulle.

Q. And who else?

A. There was a fellow named Sam Cosentino. It was mostly my game. They just had a small piece of it, more or less.

Q. All right.

MR. WILSON: Q. Had you known McDermott before he called you?

A. Well, I never knew him to speak to. I had known him from, you know, around New Toronto, known as the thieves, and I said ---

Q. You know him by reputation?

A. By reputation, more or less.

Q. And you knew he had his operation going out at Cooksville at that time?

A. Well, at that time they weren't known. They hadn't started. They were just getting started. And then after I got to know him, you know, he started to tell me about these book joints he had out in New Toronto, and how they were operating.

Q. Yes?

A. And more or less trying to impress me about how much he could get away with.

Q. He hadn't quite made the big time?

A. No, he was trying to. So now, it seems like these book joints he had wasn't making enough money. He wanted to break into the crap games, and with his reputation and that he couldn't get in, so he was -- they had already leased this place out there, but they couldn't get no games.

Q. Well, then, as a result of that call, did you meet with Feeley and McDermott?

A. Well, not then, several weeks later.

Q. Several weeks later?

A. Well, I still wanted nothing to do with it, so they finally sent Ralph Clark down who was around and at one time

had been a partner of Sam Mulle and to talk to me, because I had known Clarkie for years. So he started to paint a picture about how nice it would be, and not working so hard, you know, instead of having to go looking for places and having all this trouble, to have a stationary place to run a game, it would be more or less like a job.

Q. Well, then, as a result of your meetings with Clark, did you then have later meetings with McDermott?

A. Then I finally met McDermott.

Q. Yes, and did you come to some arrangement with him about joining forces?

A. Well, he says that ---

THE COMMISSIONER: Did you meet him alone or with Feeley?

A. Well, actually it wasn't alone, no. I don't remember, but it wasn't alone. I imagine Clarkie was there.

Q. I see.

A. Mulle must have been there too.

Q. Yes?

A. So he says if I would give him a piece of my game, and pay so much a man month towards protection, that we wouldn't be bothered, we would be tipped if anything happened, and I wouldn't have to worry about nothing.

MR. WILSON: Now, what did he tell you

about ---

THE COMMISSIONER: Just a moment, Mr. Wilson.

MR. WILSON: Yes.

THE COMMISSIONER: He said if I would give him -- ?

A. A percentage, more or less, of my game.

Q. You said "a piece of my game"?

A. Well, a piece of the percentage.

Q. Yes, and what else?

A. And help pay for this protection, that I wouldn'tbe molested, and, you know, and I wouldn't have to worry about it, you know, looking for a place, we would have a stationary place to have our game. It would be like a job. He painted a great picture.

Q. Yes?

D/2 MR. WILSON: How much -- how much were you to pay him for this protection?

A. Well, now, he says the protection was four hundred a month, and then there was one hundred a month to some lawyer to keep the books in order.

Q. Who was the lawyer?

A. Solly Gebirtig at that time.

Q. Yes?

THE COMMISSIONER: Just a moment. Yes?

A. So we come to an agreement that I would go along with it, providing they did n't

show their nose out there, because I didn't want them around the place, and they said they would send Clarkie along to represent them; but then after we weren't opened the first night ---

Q. Just a moment.

A. I am sorry.

Q. Yes?

MR. WILSON: Why didn't you want them around the place?

A. Well, they had such a bad reputation as being thieves and burglars and everything else, that we had a fairly good game, a good reputation, and I didn't want them spoiling it.

Q. You had a good clientele at that time?

A. Very good, yes.

Q. Yes. And did you get a stationary location?

A. Yes, we opened up in our place at Cedar and Eglinton Avenue.

Q. Yes?

A. And we were there about a month, and then there was complaints from the Synagogue, or something, too many cars were parked around during the night. So they suggested we move out in the country. So now at that time I had a fellow named Eddie Blair working for me.

THE COMMISSIONER: Just a moment, now. Who suggested you move out to the country?

A. Well, Joe and Pete McDermott. I call him Pete. Vince, I guess.

Q. Yes.

MR. WILSON You were saying you had a man named Eddie Blair working for you at that time?

A. Well, he was on the payroll, like, more or less.

Q. What did he do?

A. Well, at that time things were different in Toronto, like it was all local, you know. I mean there was the odd hold-up around crap games, and this was ---

THE COMMISSIONER: Speak a little louder.

A. There were hold-ups around the crap games in Toronto at that time, so Eddie said if I would give him a job, connect his name with the game, he would see these hold-up men wouldn't, knowing that he was connected with it, they wouldn't bother us.

Q. Yes. Just a moment. You said that at that time there had been a series of holdups?

A. Hold-ups.

Q. Of what?

A. Crap games.

Q. Of crap games, and Eddie Blair was known as one of the hold-up men?

A. No, he was known amongst that element.

Q. Well, he was known as a hold-up man?

A. Not as a hold-up man, but he was in a racket ---

Q. Speak up.

A. He was in a different business. It wasn't holding up things, but I mean he associated with them people. Like, he was ---

Q. All right. He associated with the hold-up people?

A. Well, he knew them all, that he had been in jail, and that, and been in trouble various times.

Q. And he suggested that you put him on your pay-roll?

A. No, like, if I could put him on my pay-roll, he would tell -- he would let the word known that he was a partner in the game, therefore these people wouldn't bother us.

Q. Yes. All right.

MR. WILSON: You put him on the pay-roll when you started at Eglington?

A. Oh, no, long before that.

Q. Long before that?

A. Yes.

Q. Oh, while you were still operating as floating?

A. As floating, yes, and then he got a job more or less as a doorman. Well, that got too boring for him, so I suggested that I just give him a few dollars every month. I think it was $100 a month, or something, and not come near the place, you know, just to say that he was a partner.

Q. Yes?

A. So he said that he knew of a place out near Downview, a big estate, and he knew Percy Wright that was looking after it, he was the real estate man for it.

Q. Yes?

A. So one morning we had a meeting, and we were all supposed to meet at 11.00 o'clock, but in fact when we got there Eddie had come back and said he already rented the place for us for $800 a month.

THE COMMISSIONER: Now, who had this meeting?

A. Well, I am not sure if Joe or Pete were there. One of them was there, myself, and Clarkie, and Harry Tator was there.

Q. Just a moment. Either McDermott or Feeley, and Harry Taylor?

A. Tator.

Q. Taylor, yes.

A. Tator.

Q. Tator?

A. T-a-t-o-r.

Q. Is that Big Harry? T-a-t ----

A. -o-r.

Q. -o-r, and who else?

A. Well, actually I don't recall some of the partners, like. I imagine that is about all that was there. It don't take too many to run the place.

MR. WILSON: Q. You met?

A. Yes, we met.

Q. Where did you meet?

A. Well, we were supposed to meet at a little restaurant at Dufferin and Wilson.

Q. And did you meet there?

A. Now, when we got there ---

Q. Well, you got there?

A. When I got there Tator and Blair were late, you see, and they came in about a half an hour later saying that they had already gone out and rented the place. Pardon me, I am getting ahead of myself. Originally we were to meet and make arrangements to go and see the place, you see.

THE COMMISSIONER: Yes?

A. When we did get there, Tator and Eddie Blair come back saying that they had already rented the place.

Q. Yes?

A. So he says that Percy wanted $800 a month, with twenty-four hundred in advance.

Q. Just a moment. Tator and he and Blair arrived and met with you?

A. Myself.

Q. And who else?

A. It was either Joe or Pete or Clarkie, one -- one or two or three of us. I don't remember now. It is ten years ago -- exactly who was there.

Q. All right. They had already rented the place?

A. Yes, for -- paying $800 a month.

Q. What did you say about something?

A. Well, now, then, after that night ---

Q. Something in advance?

A. Oh, yes. We were to pay the first month's rent, and two last months' rent, like, twenty-four hundred altogether.

Q. And how long was the lease?

A. I am not quite sure, a year, two years. The money was just to sit there in case anything happened, you know, but nevertheless later on Joe got in touch with me, and he was screaming about I should have went up there myself, because the place wasn't worth eight hundred, and if I had gone myself I could have probably got it for two, and that probably Eddie and Harry were getting it for two hundred, and keeping the rest of the money.

Q. No honour among thieves?

A. No honour among them. So he wanted me to go up to see Percy. I said I didn't want to.

Q. Who was this Percy?

A. That was Percy Wright, a real estate man who was looking after it for some investment company there. I don't know the name of the investment. It is around Downsview there, Keele Street -- Keele and Sheppard.

Q. Joe later came and said you were paying too much rent?

A. Yes, and he wanted me to go and see Percy. I said I don't want no part of it. If you want to go see him, go see him yourself.

Q. Yes?

A. So that was how we rented that place up there. So, now, when we got out there we spent, I don't know, it was, oh, some several thousand dollars fixing it up.

D/3 Q. Now, who put up the money?

A. Well, we got that -- took it out of the bankroll we had.

Q. Well, who contributed to the bankroll?

A. Well, when we started, we all put up our equal shares.

MR. WILSON: Q. Well, now, who were the persons?

A. The principals?

Q. Yes.

A. Well, now, it started off I had sixty per cent of it, Sam Mulle had thirty per cent.

MR. HOGG: Sam who?

MR. WILSON: Sam Mulle.

A. Sam Mulle, and this Harry Tator had five per cent, and Joe and Pete took twenty-five per cent.

Q. Yes?

A. But that didn't last too long.

THE COMMISSIONER: All right. They had twenty-five per cent?

A. They started off with twenty-five per cent.

Q. They did?

A. Joe and Pete and Ralph.

Q. Yes?

A. Ralph was the representative.

Q. Yes?

MR. WILSON: You say Ralph, that is Ralph Clark?

A. Yes, sir. So then, as we went along ---

Q. First, can I ---

A. Pardon me.

Q. Can you tell me how long the operation was carried on at Downsview?

A. Well, now, all this started around

the middle of '52.

Q. Yes?

A. And it ended at the end of '53. Now, I am not positive how long we were in Eglinton. It was only a matter of a month or two, and then the rest of it was out in Downsview.

Q. Now, you told us the interest at the start at Downsview, or at Eglinton, I take it?

A. Yes, the whole thing was.

Q. And you rented the new one at Downsview for how long?

A. Well, till the end of '53.

Q. No, but then wasn't there a change in the percentages?

A. Oh, yes. It varied. Actually the changes came quite sudden. They wound up somewhere with, Joe and them, I don't know how it come about, but there were always changes. They wound up with forty per cent of the game.

Q. How soon after you started this operation?

A. Well, that would be shortly after -- before we even moved.

Q. Well, then, they took forty per cent, and how was the balance of the sixty per cent?

A. Well, now, I had fifty-five per

cent of it; this Harry Tator had five. Now, I don't know how they arranged this, but Sam Mulle was to get ten per cent on the top. I don't know how that was arranged, but instead of us cutting it up, we were to cut up, say, a thousand dollars, we would cut up eleven hundred, and Sam would get one hundred on top, and then the other would be split the other ways, you see. I don't know how they arrived at that, but that is the way they said.

Q. Who actually did the ---

A. McDermott.

Q. McDermott?

A. Well, Joe was always the one. Pete, he was nothing but a stooge for Joe. He never spoke two words. I never heard him say four words in my life. Joe was always the brains as far as they were concerned.

Q. Yes, and how often would you make a financial settlement?

A. Now, we would have a certain bankroll, I am not quite sure what it was, and then when it got to a certain point, we would split it up, you know. If it was over, say, a figure, I am not sure this is the figure, say we had $20,000 bankroll, say, when it got up to twenty-five, we would cut up five; or if it got back down to ten, we

would have to build it up to twenty. I am not sure that was the figure. It was something.

Q. Now, during this period of operation at Eglinton and Downsview, about how much would McDermott and Feeley take out as their share of the profits of the operation?

A. Well, now, that is hard to determine. I imagine the club -- I guess we made ten thousand a month on the average.

Q. Yes?

A. Because, you see, we would come in and lose.

Q. And that would be about fifteen months?

A. Over a year, yes.

Q. Over a year?

A. Yes.

Q. So that in their twenty-five, and later their forty per cent, you would say they would be averaging about ten thousand a month profit?

A. They averaged about their -- for their end they would probably wind up with about four.

Q. With -- ?

A. About four thousand.

Q. Each monhh?

A. Yes, it would average out to that. There were months we would cut up maybe twenty-five or thirty thousand dollars, and

months we would never cut up nothing, and also months we would lose, so on the average I figure we averaged -- we averaged ten thousand a month.

Q. So they would take about sixty thousand out?

A. At least a thousand a week for their end.

Q. Yes. Now, how did this protection money, and the money for Gebirtig, how was it handled?

A. Well, around the end of the month, or as I said, now, we -- I am getting ahead of myself a little. When we started I said Joe and Pete wasn't supposed to show up.

THE COMMISSIONER: They weren't what?

A. They weren't supposed to come near the club at all. Joe would come around early, but as soon as anybody come, he would beat it, because he didn't want too many people to know he was connected with it, on account of being in with the Cooksville club, so -- I call him Pete -- Vince would stay there.

Q. Vince would stay there?

A. Yes, he would be there at least -- on at least three nights a week it started, and Clarkie was supposed to look after it, but I guess they didn't trust Clarkie too far, so, you know, they got in one night,

another night, and the first thing you know they were around nearly every night.

Q. Both of them, or just Pete?

A. No. Well, Joe would show up occasionally, but he would always leave, you know, before anybody else would show. You see, the game started at 12.00 o'clock, Joe would show up around 10.00, and then around 11.00 he would leave, but Pete would stay.

(Page 10991 follows)

Q. And did Pete do any work?

A. No, just sat and watched.

Q. Just sat around and watched?

A. Well, in a game you have, like, your dealers, and then you have what you call the table boss that watches what was going on and seeing where the money was coming and going. Joe more or less sat around watching, sat at the table watching, the same as I would myself.

Q. What part did Eddie Blair play in the operation when you moved out?

A. Actually right after we started out there at Downsview Eddie had a very small part of it anyway. He never used to show up and only for this rental of this place, rental of the building.

Then after Eddie and I had an argument over a girl he didn't come near the place any more after the first three or four months.

Q. You were going to tell us about how the protection money was taken out?

A. Around the end of the month if Pete were there or Ralph, they would just take five hundred out. When they were counting the money at the end of the night, if there was money, you know, won, they would say they would take about five hundred out.

Q. How much did they take out for protection money for Gebirtig over the period

of operation?

A. Well, a hundred a month, I am not quite sure now. It was over, between twelve, fifteen to eighteen months that we run. I am not sure of the dates.

Q. You made some claim, I understand, later for the return of the money. Do you know what figure you had in mind?

A. I have in my mind it was roughly fifteen months.

Q. About fifteen months?

A. Yes.

Q. And of course you would not be claiming back the money that went to Gebirtig, so that only four hundred a month ---

A. Actually I was claiming it all back. I will explain it to you later.

Q. All back? This might be a good time to explain it.

THE COMMISSIONER: Let us get on in chronological order.

MR. WILSON: Q. All right, that, you say, was taken off the top every month?

A. Yes.

Q. And in fact, during the fifteen months did you have any police raids on the premises?

A. We had one, I think. Yes, just one.

Q. Is that the one that ended the

whole operation?

A. No, this is an unsuccessful one.

Q. You had one unsuccessful one?

A. Yes.

Q. Where was that, at Downsview?

A. At Downsview, yes.

Q. Did you get advance warning on it?

A. Yes, we did.

Q. From whom?

A. Well, now, it was one of the three of them. I don't really know which one it was. I said, "we won't open up until --- "

Q. When you say "one of the three", you are speaking of ---

A. One of the three in the partnership, Joe, Peter, Ralph.

Q. Either McDermott, Feeley or Clark?

A. Yes.

Q. Who called?

A. Hm-hmm. They didn't call. They showed up that night. Like, we all arrived early.

Q. Yes?

A. And they said we had better not open up to-night because there is going to be a visit.

Q. As the result of that information what did you do?

A. Just didn't bother opening up the

crap game. We just sat around and played cards, and any of the guests that came around we would tell them there was going to be no crap game. We didn't tell them why. We just said there was going to be no game that night.

Q. What police were there that turned up later?

A. Well, the Provincial Police. I don't know what their names were, or anything. Then after Gebirtig wrote them a letter. They tore down a flag or something, and disrupted a few things, and he made them send a letter of apology.

Q. For the damage to your flag?

A. Yes, flag and a few other things.

Q. Is that the only raid you had apart from the ---

A. The final raid.

Q. The raid that was successful?

A. Yes.

Q. This clientele who attended the club during this period, I dont think we got the name of the club on the record. You had a charter?

A. It was the Riverdale Club.

Q. Riverdale Vetemans Club?

A. It was called Riverdale Veterans Club, and when we moved up to Downsview we took it on our own just to change it to Riverdale Country Club, we called it.

Q. When you went to the country you thought it would be a good idea to change the name yourselves?

A. Yes. We just put a sign up and, you know, directing business around to find the way. Kind of hard to find.

Q. Is that a provincial charter?

A. To tell you the truth, I am not familiar with the charter.

Q. Who brought the charter into the picture?

A. That is how Sam Mulle got into the picture, and Clark, they had this charter over a store on Bloor and Yonge way back in 1944, 1945.

Q. What kind of internal security did you have? Did you have barred doors?

A. Oh, yes. Like I said, when we set the place up we put heavy screens on the outside of the windows, plywood in several doors, and there was a winding staircase that we closed in. It was practically an impossibility to get into the place, you know.

Q. You had a doorman, I suppose?

A. Doorman at every door.

Q. And the clientele, I suppose, who attended there were mostly your former customers?

A. Yes, it all originated from a

little game I used to have years ago in the east end of the city.

Q. Yes?

A. And when McDermott seen the players we had they couldn't believe there was so many good ones, and you know how a game mushrooms.

Q. When you use the expression "good ones", people that were willing to really gamble worthwhile money?

A. Gamble, and people that had money to lose.

Q. During the fifteen month period did McDermott or Feeley make any complaints about the way you were running the operation?

A. Oh, yes. We never got along from the day we met. To start off with, they were squawking about Eddie Blair paying our rent and saying he was stealing the money, that he didn't believe the rent was that much.

Then after -- I had all this old hulk I had with me when I was broke. They would come along and work many nights for nothing when we started. He used to come in every day and say, "You are too soft-hearted. You have got to get rid of everybody and start from the ground floor up." Every time we met we would argue about it.

Q. He didn't think your people were efficient?

A. No, he figured they weren't. I guess a lot of them did take advantage of it, because they were lax a bit, but after all when I started the game it wasn't that much of a business. It was more or less of a friendly deal, and these people had been with me and when we started they weren't worried about their wages or anything. It was more or less friendly. If we made money they got paid; if we didn't it didn't matter.

Q. During this fifteen month period did either Feeley or McDermott suggest you close it up and just join them at Cooksville?

A. Well, no, not join them. At one time he suggested to me that he was having trouble with his partners in Cooksville and that they had found out he was connected with two games.

THE COMMISSIONER: Just a moment. All right, thank you.

MR. WILSON: Q. You were telling us about this trouble he had?

A. Yes, he says he was having trouble with his partners out in Cooksville and they had found out that he was connected with both games and one of them had to close. He had to close one of them, either Cooksville or our place. He said, "But I would sooner keep this place going because it is closer to the city and the clientele is coming out

here." And, of course, we were getting a bigger piece of ours than he would be out there.

So he says, "The only way we can do it is that we have got to get rid of all the help." That was the argument all the time. So nothing happened and there was a lull for a while and we were having a Christmas party one night and that was the night we got pinched.

Q. Before we go into the details of that "pinch", did you have any other tip-offs where the police did not come, during the fifteen month period?

A. Just that one time.

Q. And they did come that time?

A. Oh, yes, they come.

Q. Did McDermott, Feeley or Clark ever tell you where this protection money was going?

A. Well, Clark was very vague, Clark knew nothing about it. He was just representing them; and, as I say, Feeley was just a stooge, and Joe would drop hints all the time. He would put people in the middle, as he always does, that had nothing to do with it, because he openly ~~talked~~ spoke about Cronin, and he used to talk about Van Zuben, and he would do it to such a point that he got fired or he got transferred after he got pinched. I guess other people

E/2

must have heard about it, but he would never commit himself. He would just drop hints, more or less letting on that he had some power.

Q. But he got the money for whatever ---

A. Yes.

Q. And he did produce on one occasion, you say?

A. Oh, yes.

Q. Now, tell us about the "pinch" on this Christmas party occasion?

A. Well, you see, the way the place was set up, it was actually an impossibility if things were working right and everybody co-operated, to get pinched, because it was a system we had where if one door was open the other was not supposed to be open. Therefore, nobody could get into the place, you know, unless they battered the door down.

So this night, I don't know what happened, but we were playing upstairs and the police walked right in and nobody gave us any warning or anything, and we were up there. So the police came running right around and grabbed me. First of all they grabbed my brother, thinking it was me. They asked him, "Are you Dominic?", and he said,"No". Then they run around the table and grabbed me.

Now, I don't know how these dice got

here, but there were some bad dice about, and they claimed they found them on me.

Q. Did you ever have any bad dice there?

A. No, we never used bad dice. We didn't have to. There was enough percentage without it.

Q. But they came that night and they found bad dice. Were they bad dice?

A. They were, yes.

Q. And you had run a straight game for a number of years?

A. I had a good reputation. I have run a game since I was sixteen years old, I guess, and that was ten years ago, so twenty years ---

THE COMMISSIONER: What was that?

A. I must have had a game for twenty years prior to that. That is how we built up our clientele.

MR. WILSON: Q. You have never been accused at that time of ever running a crooked game?

A. Never even heard of it, or since.

THE COMMISSIONER: Where did they find the bad dice?

A. The way they found it, I think it was more of a surprise to me than anybody, but they just openly -- I don't know -- the officer was, like, around there showing them

to the players and he showed them these dice. He seemed to know exactly what it was. He said, "There is two 4's in this one, two 3's in this one." He said, "We found them in his sock."

MR. WILSON: Q. In your sock?

A. Yes. So when the pinch was over I couldn't figure it out. I said, "Gee, it couldn't have happened more easy if it was planned." But I know that it was planned.

Q. Did you find out later that it was planned?

A. Yes, I did find out later.

Q. How did you find out later that it was planned?

A. It seems that when this was planned they promised a lot of people big things which never developed and I guess everybody was double-crossed and they came running back to me with their stories.

Q. Then what were the stories they came running back with?

A. It seems that the fellow who was the main man on the top, he had a bug for betting horses, he liked to bet horses.

THE COMMISSIONER: What was his name?

A. George Charles.

Q. Cheryl, something like that?

A. Yes, I think that is the one. He was secretary to the club.

Q. He changed his name, didn't he?

A. They used to call Charles.

Q. Didn't he change his name to Charles?

A. I don't know. He might. I know his father had a restaurant at Woodbine and Danforth for years.

Q. So it seems that -- this soon came back to me that George had got into debt with them. I think he was only making $20 a night working and they were letting him bet hundreds of dollars on horses.

THE COMMISSIONER: Who were?

A. Joe and Pete, with them, you know.

MR. WILSON: Q. That is Feeley and McDermott?

A. Yes. So it seems that he got into them for thirty-five hundred or four thousand or something, and they approached him and told him they would cancel the debt and give him -- I don't know ---

THE COMMISSIONER: Who told you all this?

A. It was brought back, like, to my brother and Sam Cosentino, and they had heard stories about it. He was telling everybody dropping into the place -- really told me about it, because at first I wouldn't believe it and I had all the faith in the world. I didn't think they would do anything like that. So ---

Q. You got information that this

crooked dice had been planted, is that what you say?

A. I knew it was planted when they were found.

MR. WILSON: Q. I think you are directing it now to the open door?

A. Yes, to the open door and how they got in. It seems that, as I said, this fellow bet horses and got in debt with them, so they cancelled the debt and were supposed to give him some money. Charles never told me himself but these other people told me, and that Sam Mulle was an important cog in the door.

At any rate, he was away picking his nose or something, he wasn't where he was supposed to be, and they were supposed to have offered him a piece of Cooksville.

Q. Did he ever get the piece of Cooksville?

A. No. After that, that is how all the stories came back. It seems that everybody they had offered things and nobody got nothing, and even Ralph, Ralph was supposed to be their friend, and while he was with us he had gathered up a little bank roll of ten or twelve thousand dollars.

So after we closed up he went out to Cooksville and lost it all, and the day he went broke they barred him so now he came

running back with stories. So that is how I gathered the pieces of information together.

Anyway, when I got pinched Joe or Sol Gebirtig came to the jail and said, "Listen, Dom, you are caught with this bad dice. That is a bad beef. You go to court and plead guilty to the keeping charge and we will drop this other charge."

So like a fool I went up and pleaded guilty and I got three months. So Joe, they told me not to worry, that while I was in jail they would keep the club going, and they would see that new help came in and they will keep my brother on and look after my end and that when I came out everything would be all right.

So we got pinched, I think it was in the latter part of December, and I didn't want to go to Court till after Christmas and New Year's, so I didn't go to Court for three weeks, around 15th January. So the day I went to jail I said I couldn't keep the club open, we would close it right up and take the screens down and take them to Cockaville, move everything out there.

I was in jail for three months. Then when I got out ---

MR. WILSON: Q. When you were in jail, did McDermott or Feeley come and visit you?

A. No, they sent Ralph to visit me.

Q. What was the explanation for them closing down?

A. That there was too much heat after the place got pinched.

Q. Yes?

A. And that when I got out they were going to set me up in another place.

Q. During the time you were in jail, did you also have a visit from Inspector or Sergeant Tomlinson?

A. Well, now, that is something -- I had a visit from the head of the gambling squad, this Doyle, and I don't know who he was with. I don't know this fellow's name he was with, but there was a visit.

Q. Was it Cronin?

A. No, it was an Inspector introduced me to him, but I don't recall his name.

THE COMMISSIONER: Who introduced you?

A. Mr. Doyle.

Q. Who was Doyle?

A. He was head of the Anti-Gambling Squad.

MR. WILSON: Q. Why were they visiting you?

A. Now, their object out these, they wanted to know who the "fix" was. At that time I still had faith in Joe and Pete and I said there was no fix on. I didn't know anything about a fix. If I had a fix I wouldn't be in jail. They talked for a while

E/3

and then left.

Q. Now, while you were in jail did you have any preferred treatment?

A. Well, yes, I did have a few little favours.

Q. Did anybody tell you before you went in that you would be looked after?

A. Oh, yes.

Q. Who?

A. Joe. Joe told me, as a matter of fact, he said, "If you go in there I will see that you get treated right. You get three months and I will get you out in six weeks."

Q. Did he get you out in six weeks?

A. No, they forgot about me.

Q. What were the special favours you got?

A. Well, I was offered, you know, a good job when I got in there and not, like, out in the brickyard or anything. Then I was allowed to wear my own shoes and stockings, which was a great thing in jail, and little things like that -- nothing, you know, too much over anybody else, but just that I was allowed to pick out a job.

THE COMMISSIONER: What kind of job did they give you?

A. Now, in jail it was what they call a "politician's" job. They are usually given to people with an education that can

type and that, but I couldn't type, so they gave me a job -- actually it was doing nothing. It was checking clothes when they came in, and holding the paper for the sergeant while he fingerprinted people, and just little things like that. Handing out tobacco and things like that. It was actually nothing.

MR. WILSON: Q. You say it was Clark that visited you?

A. Yes.

Q. When you came out did they make good on their promise or did Joe make good on the promise?

A. When I came out, like, actually I have always been a bad gambler and I lose money just as fast as I get it. So when I came out I was broke and I went down to see Joe. He said, "You had a hard time. Why don't you take a couple of weeks off." So he handed me a couple of hundred dollars. So in about a week I got restless and I went back and I said, "This can't go on. I want to get back into action." Then he started to stall me around. He said he was going to open a club in the Soo and would I go up there. I said I didn't want to leave Toronto, I didn't know anybody out of Toronto, and I want to stay in Toronto.

So he said, "Well, come on out to the club. A lot of fellows owe you money. Come

out there and you might be able to collect some money. You can get along with that until we find something to do."

So he always talked about he was going to look for a place out on the Kingston Road inthe east end where I come from, but this never did materialize.

Anyway, I started to go out there and I went up there a few times and I won a few times. So one night I went up there and they wouldn't let me in. They told me to wait until they sent Pete down to talk to me. So Pete came down and he said, "Gee, Don, I wish you wouldn't come in to-night, because we are expecting a visit. We are only letting in a few of our select clientele, you know", or they were letting in a few bad players in case the police came so they would have players around the place. He said, "Come back in a week." So I went back in a week and he came downstairs again and he said, "Gee, we haven't had the visit. He should come in any day. We are just letting in select clientele to-night."

So I just happened to drive down the street and I saw a bunch of people I wouldn't even let my game go around, a bunch of people we call "moochers", which is a good word, a whole carload, and I watched fifteen

minutes and none of them came back.

So I went to a pay phone and I called up Joe and I said, "Joe, don't give me any more stories. If you don't want me out there, tell me. Furthermore, I don't want anything from you anyway. All I want is what I figure I have coming to me." I said, "I figure you are with me for fifteen months and I gave you $500 a month. There was fifty-five per cent my money and I went to jail." I said, "I got six or seven thousand dollars coming. Just give me this and forget we ever knew each other." I said, "I will admit you got all my players, but that is my own stupidity for having anything to do with you, but I do want back the money I gave you for nothing."

So we argued back and forth for days and things got from bad to worse. Then after they sent people down to see me to tell me to leave them alone.

Q. What people did they send down to tell you to leave them alone?

A. Well, I would sooner not mention names. Anyway, this one fellow came down to me and said, "Listen, I understand you are having trouble with Joe." I said, "Yes." He said, "I was sent here to give you a message as a friend, to leave them alone, that they are connected with bad people, and

if you do bother them, even if you see them on the street don't even talk to them, say "Hello" to them or even nod to them, or you are going to find yourself in bad trouble."

So I knew this fellow pretty well. I said, "You know what they did to me?" He said, "I know, everybody knows, but this is just a bad dream, and you will have to take it with a grain of salt."

I said, "You go back and tell Pete and Joe that these ~~Zakka~~ people can't protect them for the rest of their lives. As soon as they break off with them I will be after them."

Q. Would you mind writing these ~~names~~ on a paper for the Commissioner, please, the people that came down?

A. Actually there is only one that I know.

MR. WILSON: I think I know who he means. Maybe I had better just check to be sure. (Handed) You can give it back to the Commissioner.

MR. ROSE: I wonder if I might find out who he means.

THE COMMISSIONER: Do you know who that is?

THE WITNESS: So anyway, when we got there talking I said, "You know what a bad break I got from them." He said, "Well, this

is just something you have got to take with a grain of salt", and I said, "Jeez, I am really in bad shape. I am even losing my car." So he reached in his pocket (I don't know) and he gave me a hundred or two hundred. He said, "I will give you this out of my own pocket. It is just personal." I said, "I don't know when I can pay you back." He said, "It don't really matter. When you have got it, give it to me."

THE COMMISSIONER: I am having a little difficulty with the witness.

MR. WILSON: Move the microphone a few inches away.

THE COMMISSIONER: He gave you a hundred dollars?

A. He reached in his pocket and handed me something, either a hundred or two hundred, and I said, "I don't know when I can pay you this back." He said, "It don't really matter. When you have got it, give it to me. It is just personal between you and I", because I have known this fellow for a few years from out of town.

MR. WILSON: Q. Well, did you follow the advice this chap gave you about staying away?

A. Yes, I did, because just during the time they were trying to get in touch with me I was living at my sister's place and

I came home, it was Monday morning, and she said, "My God, I don't know who has been trying to get in touch with you, but I got one long distance call about 11.00 o'clock and this phone rang every twenty minutes after that all through the night, kept Ernie up all night with these phone calls, wanting to get hold of you." So I thought to myself, if they go to these pains just to get in touch with me, what would happen if -- I didn't want to have no trouble out there at Florence's, my sister, so I just forget about it. I figured I would just let it lie until things changed.

Q. Were you fearful that you might come to some physical harm?

A. Well, actually it wasn't that so much, but I am from an Italian family and they wouldn't want any scandal or anything, so I merely thought of my family.

Q. Now, did you ever after that time make any demand, any further demand on McDermott for the return of that money?

A. Yes.

Q. When did you do that?

A. Now, I heard, read in the paper where they said that I asked them for money to go away with. I will tell you the story about that. The 26th April -- I know the date because it was my birthday -- at 4.00 o'clock

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let

in the morning I phoned the lawyer and I told him that I wanted to get in touch with Joe, and I more or less explained the case to him. I told him what rats I thought they were and how they doublecrossed me about this money, and I says, "Not only the grief that they caused me years ago, but now I am summoned down, subpoenaed down to the Crime Commission." I said, "If it hadn't been for them I wouldn't have been even mixed up with it."

So he suggested I call later and then -- anyway, there was some mix-up and I didn't get in touch. As a matter of fact, it was Wally Rose I called.

Q. Wally Rose you were talking to?

A. That is why I couldn't understand when they mentioned Dave Humphrey, why they didn't say it was him.

Q. I am sorry, I can't ---

A. When they said, when they mentioned Dave, why they didn't mention him.

THE COMMISSIONER: Who was it you called?

A. Wally.

Q. You didn't call Humphrey?

A. No, I called Humphrey the day after I read that in the paper, to clarify the statement that he had made, that I asked him, I said, "Dave, have I talked to you in the last five years?" He said, "Not

that I know." I said,"Let us get it clear. Have I talked to you in the last year?" He said, "No." I said, "How did this fellow get up in the stand and say I phoned you and asked you for money?" He said, "Jeez, I can't figure out why they named me." I said, "They don't care who they put in the middle. They would throw their own mother to the wolves to protect themselves." Then we went on to talk.

I told Dave I was sorry because it was actually me that had introduced him to this fellow years ago. I said, "I thought I was giving you a break but as it wound up it was a bad break.

MR. WILSON: I see it is 1.00 o'clock.

THE COMMISSIONER: 2.15.

---Whereupon the hearing adjourned at 1.00 p.m. until 2.15 p.m.

AA/1/DO'N

---Upon resuming at 2:25 o'clock p.m.

THE COMMISSIONER: Mr. Simone?

MR. WILSON: Where is Mr. Simone?

---The witness, Dominic Simone, resumes the stand.

MR. WILSON: Q. Back about 1950 you had a piece of an operatim over in Niagara Falls, Ontario?

A. That is right, sir.

Q. And that was under the name of the Polo Club of Windsor?

A. It was the Polo Club. I don't know ---

Q. You called it the Polo Club?

A. Yes.

Q. Who were your partners in that operation?

A. A fellow named Pete Sacco.

Q. Pete Sacco. Do you remember if that was 1693 Victoria?

A. Really, I don't know the street. It was a street facing the railway track. I don't even know the name of the street. It was over a little novelty shop.

Q. I think that would be the address.

A. You went in a lane and then upstairs.

Q. How long did you operate that

[illegible]

—Upon resuming at 2:00 o'clock p.m.

[illegible]

[illegible]

—For witness, Sheldon Lamson, previous oath adm[illegible].

MR. WILSON: Q. Now about 1903 you had a place of an operation over in Magnus Hall, [illegible]?

A. That is right, sir.

Q. And that was under the name [illegible] Club?

A. It was the Polo Club. I don't [illegible]

Q. You called it the Polo Club?

A. Yes.

Q. [illegible]

A. A fellow named Pete Sacco.

Q. Pete Sacco. Do you remember if that was 1903 Wisconsin?

A. Really, I don't know the [illegible]. It was a street facing the railway track. I don't even know the name of the street. It was over a little novelty shop.

Q. I think that would be the [illegible].

A. You went in a door and then [illegible].

Q. How long did you operate that [illegible]

club with Saccor

A. Oh, not very long. I wouldn't say it was over six months.

Q. And were there any Americans interested in that operation?

A. Not when we had it, no.

Q. Did you meet any Americans? Did you meet, for example, Ben Riccoletti?

A. Just the once, two or three days before we got raided there, too, these two fellows came in.

Q. Who was the other fellow? Dominic Mantel?

A. They were just introduced to me as Dominic and Danny. I shook hands and walked out.

THE COMMISSIONER: Q. You say two orthree days before you were raided?

A. Yes, when we were raided.

Q. When were you raided?

A. I don't remember. I don't even remember whatyear it was.

Q. You tell us you closed up as a result of the raid?

A. Yes, I closed up on account of the raid. It was only something that was going on two or three nights a week, anyway.

Q. You say, two or three days before you were raided, what?

A. I met these two fellows, just

to be introduced to. We were walking along the street and they were walking down and we met and I was introduced to them.

Q. By who?

A. I don't even know who introduced me. One of the members of the club there.

Q. And you were introduced to who?

A. I was introduced to them just as "Dom" and "Benny".

Q. Do you know what their last names were?

A. I read it in the paper. Actually I wouldn't know them if I seen them. It was just a slight acquaintance, years ago.

MR. WILSON: Q. Show him the picture, covering up that name.

A. Really, I wouldn't even remember. It was so long ago. It was just a passing acquaintance.

Q. Show him Exhibit 261.

A. This looks like Benny. I remember there was one short fellow and a tall one. I am not sure which is which. I really never paid any attention.

Q. The one in Exhibit 261, you said looks like Benny, is Ben Niccoletti. What did you say about these two? Ben and Dominic?

A. They were just introduced to me, that is all. The same as anybody else.

This fellow was walking along the street and I met him and he said, "I want you to meet Ben and Dominic from over the other side." And that is all that was said.

Q. When you were there, did they have any interest in the club?

A. No. There was talk that there was people who wanted a piece of the game. I didn't want no part of it because it didn't mean that much to me.

THE COMMISSIONER: Q. What do you mean, there had been talk?

A. People were saying at one time, someone was asking for a partnership in the game.

THE COMMISSIONER: Just a moment.

MR. WILSON: Q. Were charges laid?

THE COMMISSIONER: Just a moment, Mr. Wilson.

Q. Someone from across the river?

A. They said from the other side, but I dismissed it.

Q. I don't care if you dismissed it or not. I want to know what he said. Someone from across the river?

A. Yes. If you would let me finish.

Q. I want to get this down and then you can finish.

A. Okay.

Q. Was asking for a piece of the game?

A. Yes.

Q. How long was that before you were raided?

A. Oh, well, this is, I don't know, maybe a week or two before we were raided. He always used to tell me somebody wanted a piece. I said, "I am not going out there any more." It was too much work, driving out there two or three nights a week. I figured it was more or less a matter of speech to keep him there. They made believe it was something worthwhile.

Q. You say this was two or three weeks before you quit, before you were raided?

A. Yes. They never mentioned any money or anything.

Q. Who raided you? The local police or the Provincial?

A. I think Sergeant Anderson.

Q. Sergeant Anderson.

A. I think it was. I am not quite sure. The Provincial Police.

Q. It was the O.P.P., in any event?

A. Yes.

THE COMMISSIONER: All right, Mr. Wilson.

MR. WILSON: Q. And charges were laid against Peter Sacco and Anthony Kasik as a

result of that raid, weren't they?

A. I knew there was against Pete. I don't know who the other fellow was.

Q. Do you remember Kasik in that operation?

A. No. Actually I don't know many people in Niagara Falls other than Pete. It was a matter of going there and being at the game.

Q. You weren't charged?

A. No.

Q. Who supplied the bank over there?

A. I supplied the bank roll. That is why I was invited out there.

THE COMMISSIONER: Q. Who invited you?

A. Pete did.

MR. WILSON: Q. You got out of that operation after that?

A. Right after that. I come back only for the trial.

Q. What did Sacco do after that?

A. Actually I lost contact with him.

Q. Didn't he open up a game?

A. Well, a friend of mine working for me, Reggie Guidogno ---

THE COMMISSIONER: Q. What is the name?

A. Reggie Guidogno.

MR. WILSON: G-u-i-d-o-g-n-o?

THE WITNESS: I think that is it.

THE COMMISSIONER: Q. He worked for you while the operation was going on?

A. Yes.

Q. Where is he from?

A. Toronto, here.

Q. Mr. Wilson asked you, when you quit there, did Sacco carry on?

A. Well, as far as I know, he did.

MR. WILSON: Q. Did Reggie ---

A. Reggie.

Q. Reggie stayed on, did he?

A. Yes, he stayed on. Any help we got would mushroom into more help and it was useless to me. I said to Reggie, "Why don't you go to Niagara Falls and see if you can do something? They are going to open a game again." They wanted a patch or a fix, and I said, "There have been fellows bothering me about a fix." You know, they used to be phoning me. I said, "You go out and see them and whatever you can do, do it for yourself." And I was speaking to Reggie a few years later, and he said that they had doublecrossed him. They promised him a piece of the game and only gave him a watch and eventually they fired him.

Q. Wait a minute, you are ahead of me. Who is "they"?

A. Joe and Pete.

Q. That is Feeley and McDermott?

A. Yes.

THE COMMISSIONER: You have lost me.

MR. WILSON: I put it another way and said, "You are ahead of me".

Q. What part did Feeley and McDermott have there in that operation?

A. I can't really say anything about that. I know they just had a partnership in it. They had no part of our game that I was in with Pete.

Q. After you left?

A. After I left, after I was raided.

THE COMMISSIONER: Q. Somebody told you?

A. Yes.

Q. Who told you?

A. Nobody individually. It was common talk.

Q. Who was among the common talkers?

A. Fellows who would come to our game.

Q. Who, for instance?

A. Really, I don't know. You know how gossip is. Actually, gossip among the gambling world is just the same.

Q. This is after you left?

A. Yes.

Q. This Sasco, he would know?

A. He would know, but he never got

in touch with me.

Q. Never mind whether he did or didn't get in touch with you. Your information is that after you quit, Sacco carried on with Reggie?

A. I didn't say "Sacco". I said the game carried on. Whether Sacco had anything to do with it or not, I don't know. I was led to understand that other people were trying to start a game in Niagara Falls at that time. Whether Sacco had anything to do with the game or not, I don't know. I know he was in with me and I sent Reggie out there.

Q. Where is Reggie now?

A. I haven't seen him for four or five years, and previous to that he was telling me, about a year before that, what a bad break he was getting.

Q. Never mind about seeing him four or five years ago. Is he around the city?

A. I imagine so. I never heard. I read in the paper he got stabbed one night in an apartment, a couple of years back. I don't know what it was all about.

THE COMMISSIONER: Mr. Wilson, do you know whether he is around these parts?

MR. WILSON: No, I don't know, Mr. Commissioner. I will find out.

THE COMMISSIONER: If you can find out, you hadbetter get him.

MR. WILSON: Q. Did Reggie go to work at Niagara Falls?

A. They got rid of him out there and told him they would get him a job in Cooksville. Eventually he got put out. He was a croupier at one time, and after that he was parking cars and he was quite put out about that. After, they got him out of Cooksville.

Q. Did McBernett ever say anything to you about the Jordan Club?

A. No. I met the original fellow who owned it.

Q. Who was that?

A. Some Jewish fellow. I don't know. I knew him. He died. I knew his nickname.

THE COMMISSIONER: Q. What was his nickname?

A. We called him Jordan when he came to the game. He told me he lost his money at Cooksville and eventually lost the club to them.

Q. To whom?

A. The game out at Cooksville. They were, at that time, located over the Town Restaurant on Eglinton, near Bathurst.

Q. Do you remember the nickname of this fellow?

A. We used to call him Jordan when he came out.

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Q. Do you think you could recall his name?

A. No, I wouldn't know it. We have so many people by nicknames. I have even had people asking me if I know a certain fellow and I would not know him and I would run into him and would find out I had known him all my life.

MR. WILSON: Q. You have been around in the gambling circles for the last twenty-five years. Did Americans ever get interested in these gambling clubs in the last twenty-five years?

A. They never did, to my knowledge.

Q. Did they try?

A. This Feeley and McDermott explained they said they had a partnership. They didn't say who it was, but I took it for granted.

THE COMMISSIONER: Q. Who told you they had a partnership?

A. The fellow that came to see me. When they told me to leave what's-his-name alone.

Q. I see. That is the name you wrote down this morning?

A. Yes. There was a g big interest but I was told they were bad people to do business with and I took it for granted it was someone on the other side.

Q. Do you think you could recall the name?

A. No, I wouldn't know it. We have so many people by nicknames. I have even had people asking me if I know a certain fellow and I would not know him and I would ask what was and what was the name of the fellow or like.

MR. GILLEN: Q. You were here when the question arose that the Tass Tenative Five years. Did Americans ever get interested in these gambling clubs in the last twenty-five years?

A. They never did, to my knowledge.

Q. Did they have?

A. Mike Feeley and Bellamonte opened some kind of a gambling. They didn't say who it was, but I took it for granted.

THE CONTRIBUTOR: Q. Who told you that and - (inaudible)

A. The fellow that came to see me. When they told me to leave what's-his-name alone.

Q. I see. What is the name you have also said?

A. Yes. There was a big interest but I was told they were bad people to do business with and I took it for granted it was nonsense on the part of.

THE COMMISSIONER: Can you hear the witness?

MR. ROSK: No.

THE COMMISSIONER: Q. Raise up the microphone so we will have a bigger volume.

Could you raise your voice a little? Don't put your hand on it. Stand back and raise your voice.

This man -- is there any reason why you don't want that man's name disclosed to the public?

A. Well ---

Q. What is the reason, if any?

A. There are reasons, I suppose. I don't know why. I just don't want to, that's all. I have known the fellow for many years and he never did me any harm and he never did me any good. I would sooner not get involved with it.

Q. This matter of not having the name made public could raise a lot of speculation as to who it is, and maybe speculation is worse than if you did name him.

A. Actually, I suppose those interested would know who he is anyway.

Q. If they do, then, is there any reason why?

A. I wouldn't want it to be public. You never can tell. You don't know what might happen.

Q. Might happen to me? To you?

A. Not to me. For instance, now, a few months later we were getting some funny calls. I don't know who was making them. People phoning my wife and saying, "You better tell your husband to keep in line and to look out". As a matter of fact, she had a nervous breakdown. I never did find out who it was. We were always getting funny calls coming into our house for a while after.

Q. For a while after what? After the man came to see you?

A. After the Commission started and I was told to come down here to an interview.

Q. I see. After you had been interviewed down here?

A. Yes.

Q. After you had been interviewed, you began to get funny telephone calls?

A. Yes, people phoning up with funny stories. One night someone told my wife "Is your husband home?" and she said, "No". And he said, "You better tell him to get in line or he might end up in serious trouble".

Q. How often did that happen?

A. It happened quite steady for two or three weeks, and then it stopped. I made it known that I wasn't worried about them. I didn't care what they said.

Q. Were these calls during the day

or the night?

A. They would come sometimes in the evening and sometimes in the afternoon.

Q. Did you ever answer the phone?

A. I even answered it.

Q. Was it a man or woman?

A. Always a man. The same voice. Whether it was somebody being smart or not, I don't know.

Q. Speak up.

A. Whether it was somebody being smart or not, I don't know.

Q. Well, in any event, the substance of it was, you had better keep in line?

A. Yes. That was it, more or less.

Q. All right. Well, how did the word get out that you had been interviewed down here earlier?

A. That is something I will never know.

Q. Did you tell anybody?

A. Well, I told my brothers and intimate friends, that's all. I told them I had been subpoenaed. I didn't say when I was going down or how I wasgoing down or when I was going down. Actually, I didn't know, myself. I got a subpoena and the subpoena read the 5th of April, but I didn't even get the subpoena until the 10th of April.

Q. After you had been interviewed down here, my question was, did you tell anybody that you had been interviewed?

A. Yes, I did.

Q. Who were they?

A. Well, really I don't know who I told. I told a few people around. We got talking about the Commission and they said, "When are you going down?". I sad, "I have been down." They said, "What happened?" I said, "Nothing." "They asked me a few questions and that is all." That is allthat was said about it. I never thought it was any secret or anything. I just told them there was nothing said. I never said anything. They just asked a few questions and that is all, with regard to the clubs.

THE COMMISSIONER: All right.

MR. WILSON: Q. Well, to your knowledge, did any American interests -- were they successful in getting hold of any club?

A. Actually, I can't swear to that. I am not sure.

Q. Do you know ofany Americans who are or have been in any of the gambling going on in this area in the last ten years?

A. No.

Q. Now, what do you know about organized crime in this area?

A. Well, that is something again. As I say ---

THE COMMISSIONER: Q. Do you know what is meant by "organized crime"?

A. I know, like syndicates.

Q. That is part of it.

A. As far as I can see, I don't think there was too much of it really got under way. Toronto has always been a town that everybody minded their own business and nobody minded anybody else's business. But after that meeting I told you about at the Prince George I kind of surmised it was getting to that.

Q. You have told us about that.

A. That is where I met that fellow.

Q. How did you get to the Prince George?

A. That is when they kept calling ---

THE COURT REPORTER: I beg your pardon?

MR. WILSON: "That is when they kept calling all night."

THE WITNESS: And that is where I was told to meet them.

THE COMMISSIONER: Q. You got a telephone message at your house that you were to meet somebody at the Prince George Hotel?

A. Yes.

Q. Did you go to the Prince George Hotel?

A. Yes, I did.

Q. And how many people did you meet there?

A. Well, there was four or five of us sitting around the bar, but only one fellow came over to speak to me.

Q. That is the man's name you wrote down this morning.

A. And when he did call me down there at that time, I was trying to collect this money, and I knew this fellow had animosity with them, and I figured he wanted to go out with me or something. I figured he wanted

AA/4 to help me collect the money, and I nearly fell over when he told me that. He was delivering a message.

Q. Tell us what the message was, again?

A. These fellows are connected with somebody, some people that were bad people. Meaning rough people.

Q. These fellows, being whom?

A. He didn't -- he wouldn't tell me.

Q. I suppose all of the fellows from whom you were trying to get your money?

A. Like fellows, I mean Mallermutt

and Feeley.

Q. They were connected with what?

A. With some very bad people and they had sent him down with a message to tell me not to bother them any more and not to even phone them. And if I seen them on the street, not to nod to them or let on I knew them or anything or that. And I said, "You know what they did to me. They busted my game and broke me." I said, "I don't want nothing for me. That is my own stupidity, but I want something that I figured was coming to me." It is just the the way as if I bought a car, I would want something for my money. That's no good. I wanted something back. I was paying for protection and I got no protection and I went to jail. I figured I should get paid for that. He said, "I feel sorry for you, but there is nothing I can do for you. I am just taking a message and you take a tip from me and heed the warning."

Q. Take a tip?

A. I said I was broke and he said he could give me $100 or $200. I said, "I don't know whether I can pay you back." I was really down in the mouth then, and he said, "It don't matter, it is just a personal debt between you and I."

Q. I see. Now, have you laid off since then?

A. I told him, when we separated: "One thing about this, these people won't be nursing them the rest of their lives."

Q. Won't be what?

A. Nursing. Looking after them. I said, "These speople they are connected with won't be able to nurse McDermott and Feeley the rest of their lives." I said, "As soon as they get through with them, I will go after them again." And he said, "It is up to you".

Q. Have you been after them since then?

A. Actually I haven't been able to contact them except that night I went to contact Mr. Ross in the middle of the night. I read in the paper about something that happened and I phoned Mr. Ross and he said, "I will give them a call and see if they will get in touch with you." But they never ever come to see me.

THE COMMISSIONER: All right.

MR.WILSON: That is all.

THE COMMISSIONER: Mr. Hogg?

EXAMINED BY MR. HOGG:

Q. Mr. Simone, you were talking about the raid that closed up the game you had, and how those dice were planted there. Now, would you just describe, for our benefit, how this game was operated?

A. Well, in what way?

Q. Well, let us start off -- presumably there is a table that you throw the dice on?

A. The table was a pool table, a 6 by 12 pool table.

Q. Did you have a croupier?

A. Three.

Q. And they had sticks?

A. No, just the man in the middle had a stick.

Q. Pardon?

A. Just the man in the middle is the man with the stick. There is a croupier here and there is one at that end and one at that end. The one in the centre, he is the only one with the stick.

Q. We have a pool table and a man at each end and one man with a stick?

A. Yes.

Q. And how were the dice thrown? In a cup or glass?

A. Out of a paper cup.

Q. Out of a paper cup. And the people engaged in the game would stand around the table?

A. That is right.

Q. Now, on an average night, if I can use that term, how many people would be standing around?

A. This particular night there was quite a crowd because it was a Christmas banquet and there was over 130 or 150, something like that.

Q. Not everybody would be playing?

A. No, about 75, 80 people standing around the table.

Q. And you would be standing around, watching?

A. I was opposite the man with the stick.

Q. And the people gambling there would be near the table and, no doubt, would have their friends behind them standing around?

A. Yes, there were three people deep. You couldn't get near it.

Q. And I understand the people playing are privileged to ask for a new set of dice?

A. In any bank game they don't have to ask. They can take the dice off the table andput them in their pocket any time

they want to.

Q. And if they wanted to examine the dice they could do so?

A. As I said, any time they want to, they can put them in their pocket.

Q. And if that wasn't allowed, you wouldn't have many people going to the games?

A. No.

THE COMMISSIONER: Q. Suppose they did that? Where did the new dice come from?

A. You have several pair of dice, maybe twelve, fifteen pair of dice a night. Lots of times we change them, not on the player's request but on our own. Because in a bank game, the odds are so fine, and if the dice are chipped at all it will put them off. If the dice become chipped, we change them ourselves and we give them to a customer, whoever wants them.

MR. HOGG: Q. There is a number of them and they can check that number with the number on the paper so they will know there is nothing going on?

A. Yes.

Q. There would be no advantage of you having a crooked set of dice?

A. No, there would be no advantage. You can't make any money by running a crooked game.

Q. Even apart from that.

A. No.

Q. Not with the type of operation you had, with the bets being made for and against the roller?

A. That is right.

Q. It wouldn't help you if you had a crooked set of dice?

A. It would harm us.

Q. I am not talking about the public relations aspect of it, but actually about making money.

A. That is right. The players that come to our game, in any bank game, they are allowed to bet both ways. Right and wrong.

Q. And you say that this set of dice that was planted was the phonies set of dice, with the threes and fours?

A. Yes.

Q. They weren't loaded or magnetized?

A. Not loaded and not bevelled. Just mis-spotted dice.

Q. In half a second you could have spotted them for phonies?

A. Yes.

Q. That would go to the roller's benefit, wouldn't it? He would roll seven the first time?

A. Yes, and it would also help

the outside better. It couldn't do us any good.

Q. Exactly. Now, when the police came and said they had found these dice on you, did they ask you to take off your shoes?

A. Oh, no.

Q. Or your socks?

A. No.

Q. They just suddenly produced these dice?

A. They come running in, and as I say, there was pretty near 75, 80 people around the table and I was on the opposite side, here. To come into the room, they had to come in facing me.

Q. They were obviously looking for Dominic Simone?

A. Yes. My brother looks a little like me and they grabbed him first and said, "Are you Dominic?" and he said, "No." And they come running around the table and grabbed me. At that time Eddie MacDonald was at the club and he came over to me and he said, "Do you want to give me anything?". I think he wanted to get hold of the money on the table and maybe help himself, I don't know.

THE COMMISSIONER: Who is Eddie MacDonald?

A. It is a fellow who has been in jail.

Q. One of the MacDonald brothers?

A. One of the MacDonald brothers. I don't really know. I didn't pay too much attention.

MR. MOOG: Q. He is doing time in jail now?

A. He came running around the table and said to the players, "Look what you have been playing with."

Q. He announced this to the players?

A. In front of everybody. In front of 80, 90 people. "Look what you have been playing with. This is the kind of people you are doing business with." There was a couple of people, like wrestlers -- Bunny Dunlop, he said he had lost thousands and thousands of dollars and he was trying to get his back. He was putting on a big act. As a matter of fact, he said he was going to sue me or something, and that is when Saul Sebertig suggested to me I should go to court and explain to the magistrate about the dice not belonging to the game and clear my name in that and go and plead guilty ---

Q. He suggested you, to use the vernacular, "to cop out"?

A. Yes. He said to cop out and clear my name. When I was pinched, there were headlines, and when I was cleared, it was

two or three lines on the third page or something.

Q. I want to ask you a few questions about your recollection of the raid. You know Sergeant Cronin?

A. No, I don't really.

Q. You know of him?

A. Yes, I knew of him.

Q. Was he in that raid?

A. I don't know. The only one I know that was there, was an old friend, Von Zuben.

THE COMMISSIONER: We can learn who was on that raid, Mr. Wilson?

MR. WILSON: Definitely, Mr.Commissioner. We have got that here.

MR. HOGG: I wonder if I could have that?

THE COMMISSIONER: Let me see that. Have you got a better copy than this? This one would blind me.

MR. WILSON: We have got a better copy. I can't read my copy. This is the original. I think you will be able to read this one. (Pause)

MR.HOGG: Q. Mr. Simone ---

THE COMMISSIONER: Just a moment, please. (Pause)

THE WITNESS: May I have a glass of water, please?

THE COMMISSIONER: Yes. Get the witness a glass of water. All right, Mr. Hogg.

MR. HOGG: Q. Were there people there that night who managed, to your knowledge, by some means or other, not to be charged?

A. Well, there was a lot of people downstairs watching television. As I say, it was a Christmas party.

Q. Was there anybody upstairs who managed to sort of ---

A. Sneak out? Well, Ralph Clark hid someplace. They didn't find him. And they got him at home a few days later. I know where he hid downstairs. He got away. I don't really know of anybody else upstairs. I couldn't even figure out why they charged me. There was 125 other people and nobody outside seen the game. Somebody had to give that information. I don't know who put the dice there, but I know why they were there.

Q. Why was that?

A. I found out later, to my knowledge, as I said, McDermott and Feeley had a bad time getting a game going and they were trying to get my clientele. It seems, when I was in jail, they kept bringing this up to the people about the dice. If the dice fell on the floor, someone would come up with

them and they would wisecrack: "What do you think this is? Simone's game?" They kept putting it in everybody's mind they had been cheated.

Q. When?

A. When I was in jail.

Q. Your information was that they had set you up. They wanted to knock you out of the business and take over your operation? It is the only way they could get going. A. Either that, or they had to go along with me, and we didn't get along, or else put me out of business.

Q. And they succeeded in that?

A. Very well.

Q. I believe you told us it wasn't only necessary for the police to have the information to arrest you and get the evidence at that time, but there would have to be some laxity, to use a charitable word?

A. That is right.

Q. So far as your security measures were concerned?

A. That is right.

Q. Because it would have taken you how long, Mr. Simone, to dispose of the evidence if you knew the police were coming? You heard them hammering at the door.

(Page 11050 follows)

B/RJR/1

A. Actually, the way the place is set up, if everything had gone to order, they couldn't have gone into the place for twenty minutes, and we could have been home in bed. At that time we could have got rid of everything in five minutes, because we were ready to play cards, and there could have been a card game going within a few minutes.

Q. Now, had you had any warning of raids prior to this? You told us about the one, when in fact the police did come. Were there any other warnings than the raid where you were closed down?

A. For a definite time?

Q. Yes.

A. No, just that one night. There might have been others, but we never closed for any period of time, like, for say two days, or anything.

Q. I mean, when you expected the raid?

A. Just that one night, if I recall, I am pretty sure it was just the one.

Q. And at that one time, there was no question about it, that McDermott's evidence -- knowledge about a raid was accurate?

A. Very well.

Q. Now, I was intrigued by your

evidence that they had, first it was a twenty-five per cent, and then they got forty per cent for the game?

A. Yes.

Q. How did that come about?

A. Well, they would start off with twenty-five, and more or less, just to get in, they offered to take anything. Once they got in there they kept saying, "Well, we want a little more, you know, because there are three of us", this, that and the other, and then I gave up a little of mine, and I said to Sam -- he had ten per cent, and then some way he said, "We will give Sam ten per cent off the top", so actually it only amounts to six per cent, you see, so they consumed his ten per cent, and that is how they wound up with forty. Actually, it wasn't really forty, mine was really fifty-five. As I say, when we count the money, and we come to this arrangement, instead of saying one thousand, we would say eleven hundred, and Sam would get one hundred off the eleven hundred, and the rest was cut up.

Q. They were making about a thousand a week on the average?

A. I imagine the game paid off at least ten thousand a month, at least.

Q. This was above expenses?

A. We had -- (inaudible) --

THE COMMISSIONER: What was that?

A. We never count expenses. That comes after winning or losses.

MR. HOGG: Q. You had been at the Cooksville club on occasions?

A. Oh, yes.

Q. How would the size of the operation at your place compare with the Cooksville operation?

A. Well, when I was there, they never had -- not even before -- you mean before I ---

Q. When they started the Cooksville club up in Garden Road?

A. They weren't getting any. They would be lucky to get one or two days a week.

Q. Once they got moving, and got the clientele, they began to get ---

A. They took over all our clientele, all our members went down and joined out there.

Q. Plus their own?

A. Yes, but they weeded out a lot. They weeded out a lot of the small people they didn't want in there.

Q. At the height of the operation out there, can you estimate what they probably would be taking in per week?

A. I would not answer that,that is something ---

THE COMMISSIONER: He says he can't.

A. That is something I could not possibly figure out, you know, I have heard some stories ---

Q. Never mind the stories, you cannot figure it out?

A. No, it is impossible to figure it out.

MR. HOGG: Q. You were asked by the Commissioner about the name of the man that started the Jordan Club, and I believe you said the nickname was Jordan?

A. Yes.

Q. Does the name Gorkin ring a bell?

A. I think that was it.

Q. That was the fellow?

A. Yes, he was a tall fellow, about six feet high, and balding.

Q. When did Gorkin -- when did he ---

A. At one time when I had this club he had asked me if I was interested in buying his club, and I said, "Oh, no, I am not", and then I seen him two or three years later -- it may be a year later, and he said, "You know, I finally lost that club, I lost money out at Cockeville", so, I ---

THE COMMISSIONER: What is Gorkin's first name?

A. I don't know.

MR. HOGG: I think we may have a record of that, Mr. Commissioner.

A. At that time the club was over in Eglinton across from the Nortown Theatre.

THE COMMISSIONER: Yes?

MR. HOGG: Jack Gorkin.

A. I really wouldn't know, we meet so many people, we would not know who is who, anyway.

Q. Now, certainly the protection that Feeley and McDermott had, you say they sort of dropped hints concerning Von Zuben and Cronin?

A. They openly discussed Cronin.

THE COMMISSIONER: What?

A. They openly discussed about Cronin.

MR. HOGG: Q. They had conferred with him?

A. They tried to impress on me that they had some people -- and they get curious, and ask them, and they would kind of, you know, drop a hint like Von, or Van Ruby, or something, but they would not come out and tell me.

Q. What did they say about Cronin?

A. Well, he did not have too much -- they just let me know, you know ---

Q. Did they mention anything about the amount he was getting?

A. No, they said they were paying

four hundred a month, and I more or less took it for granted that the four hundred was going to him.

THE COMMISSIONER: What was the $100 going to Gebirtig for?

A. They claimed that the charter had to be kept in order at all times, and Gebirtig would see that the charter was always up to date and in order.

MR. HOGG: With reference to the charter, did you ever see this charter?

A. Yes, I seen it, we had a copy, a photostat thing,the lawyer had the copy of the charter, and I think we had the photostat.

THE COMMISSIONER: Was that Gebirtig?

A. No, this was Sam's lawyer, some man in Parkdale. This charter had been used about four or five years.

Q. On Yonge Street?

A. Yes, but it had been dormant.

MR. HOGG: Wasn't it cancelled in 1945, or '46?

A. Cancelled? I don't really know. I knew it had been dormant, and they went down, and it cost nearly $100 to bring it up to date, and when we thought of the club -- we were going to buy a charter -- this Sam says, "I have the charter, I think it is still good", so we went and seen his lawyer near Close Avenue and Queen there, and we

BM/2

brought it up to date, anyway.

Q. Who was bringing this charter up to date?

A. This lawyer at Close and Queen -- I never enquired as to his name.

Q. And Gebirtig was getting $100 a month to keep the charter in order?

A. Yes.

Q. Was he a member of that club?

A. He would come up with us, and then would leave before anybody got there. I never had too much to say to Gebirtig. He would talk to the secretary, more or less.

Q. You never had an occasion to go to his office?

A. No, I never had anything to do with him any way. I had a dealing with him years ago when we were kids.

Q. Did you ever heard McDermott or Feeley make any suggestions and say anything about having any political connections?

A. No, as I say, we were not too friendly, and they did not discuss too much, the only thing they would discuss with me is when they were trying to impress me, when they got in there, in order to get into the game.

Q. Do you know what happened to the charter after your club was closed?

A. I understand it was cancelled. I

don't really know, because as I say I went to jail. I don't know what happened after I went.

Q. Was there any membership list kept?

A. Yes, well -- that was the secretary's job out in the front. He had the membership, and it seems ---

Q. There was the secretary, and Gebirtig would look after it?

A. Yes, Charles -- Charles was the secretary.

Q. This would be a phony list, in the event that this was something ---

A. It was only a phony list in the sense everybody was a member that came in, the only phony part of it was they didn't pay any fees, they got a receipt but they did not pay any fees.

Q. Who issued the receipt?

A. The secretary.

Q. The secretary?

A. Yes.

Q. And the secretary and Gebirtig would look after -- would issue the receipts -- there was no money paid?

A. No, you see, at Gebirtig's suggestion we used to give Charles money to keep in his pocket in case the police did come in and ask where the money was.

Q. And Gebirtig's suggestion was that they had better have something to show the police?

A. That is how I knew, how I figured, how I knew there was something wrong, because we gave George three or four hundred dollars, and after that, after I got out, I said, "Where is that money?" He says, "I gave it to this other fellow." I said, "What did you give it to him for, you are supposed to have that in your pocket for when the police come." And he never had any ---

Q. Did Gebirtig have any other suggestions to help this operation run along?

A. The only suggestion he had was that I should go and take the fall and clear everybody else.

Q. He did not act for you?

A. No, W.E. MacDonald did.

Q. Whose idea was that?

A. McDermott's.

Q. Who was acting for McDermott?

A. That afternoon I went out there, Mr. MacDonald -- I don't know if he meant to say it or not, but he got kind of quizzing me and saying, "Are you sure you were not told to open up that night?", and I said, "Nobody told me nothing." And then one day he suggests to me, he says, "If I were you I would sooner go and hire Arthur Martin, I

don't even like this case, I don't like to defend it." In other words, he was trying to tell me in some sort of way or another that there was something the matter, because even I said -- I told him that I had never hadno phone call, and he said, "Maybe you want to have another man?", and I said, "No", and something more or less seemed to be doing, and he didn't say, and I said, "I am satisfied with you", and I could have saved myself that if I had known, I could have pleaded myself.

THE COMMISSIONER: Excuse me a moment. Did Mr. MacDonald act for you before?

A. No.

Q. How did it come about that he acted for you on this occasion?

A. McDermott suggested him, because he was up there from New Toronto.

Q. Who did McDermott make that suggestion to?

A. To me, pardon me, McDermott's and Gebirtig's suggestion, but McDermott suggested for me to see him, because I said to Gebirtig ---

Q. You will have to speak louder, please.

A. I said to Gebirtig ---

THE COMMISSIONER: It is probably my fault, Mr. Reporter, he is facing me. Will you turn around, witness, and speak out more clearly. How did it come about that you got

to MacDonald?

A. It seems that I cannot talk to his face -- I have a habit to talk to people that are asking me questions. When I got pinched I said -- Gebirtig said to me, "You had better plead guilty, and keep everybody else out of trouble, and you will clear your name." And I said, "Are you going to appear for me?", and he said, "No." And, I said, "What's his name?", and he said, "W.E. MacDonald is a very good lawyer."

Q. Yes?

A. "And he will get you off -- (inaudible) -- "

THE COMMISSIONER: What was that?

A. I was in a fog, and I would go along with anything.

Q. Yes?

A. It was so -- I was -- I followed his suggestion -- I was in the dark.

Q. All right.

MR. HOGG: Did Mr. McDermott pay your fees at that time?

A. Well, Ralph Clark came to the lawyer's with me, and when I went in, he said, "Have you got that thousand dollars for me?"

THE COMMISSIONER: Who?

A. MacDonald, and he said something like, "You tell Joe I am not going to do anything until I get all my money."

Q. Was a considerable amount of money seized by the police in this raid? Was it recovered after, or was there a ---

A. Actually, there was a little money left in the bank, right after we paid the lawyers and everybody's funds there wasn't much left.

Q. What happened to the thousand odd dollars you had in your hand?

A. That went towards the funds,but I think it was found when I was convicted -- (inaudible) ---

THE COMMISSIONER: What?

A. Actually, there was one hundred found when I was convicted, or close to one hundred.

Q. And did the club ---

A. We paid everybody's funds.

MR. HUGG: You got three months on this?

A. Yes, I did, sir.

Q. And is it some time before that you had been in trouble before that?

A. Actually I had been knocked off several times, but it must have been four or five years previous to that. But I had never been convicted for anything else other than that.

MS/3

Q. I know that, I am not suggesting that you have. At that time, that was sort of a stiff sentence?

A. I thought it was too. All I was interested in was trying to clear my name, because the way they put it up to me, they would carry on and everything would be all right when I came out.

Q. Was anything mentioned about these dice at the trial?

A. Yes, it all came out, and how it was impossible to have him use the game, because there was so many people there, experienced gamblers and all, and it was an impossibility to use it.

Q. Has that report been entered as an exhibit?

THE COMMISSIONER: No, it has notyet been proved.

MR. HOGG: I think that is a document which might be of some interest and should be filed.

THE COMMISSIONER: We can get it proved later.

MR. HOGG: Has McDermott or Feeley ever suggested or dropped any hints that they had patches in the other place, in addition to the Ontario Provincial Police?

A. No, they said that they were getting information when warrants were issued some way or the other, they would not tell me how, but a warrant was issued.

THE COMMISSIONER: Who told you that?

A. Well, Peeley or McDermott. Peeley knew them, and he used to go around for the ride.

MR. HOGG: It was general knowledge ---

THE COMMISSIONER: I want to get this. McDermott told you what about the warrants?

A. They knew when the warrants were being sworn out for.

Q. Raids?

A. Yes. I don't know whether they were telling me the truth or not, I don't know.

Q. Now, please. I did not ask you whether what they told you was true or not, I only wanted to know what they told you.

A. That is what they told me.

Q. What?

A. They knew when a warrant would be issued.

Q. I see. All right. Is that all, Mr. Hogg?

MR. HOGG: I have just a few more questions, Mr. Commissioner. I wonder if Mr. Wilson has a record of his conviction -- the man's record -- I would like to haven look at that, if I may.

MR. WILSON: I have no such record, Mr. Commissioner.

MR. HOGG: I am sure the police would.

MR. WILSON: We can get one.

MR. HOGG: Was the Polo Club a chartered

the truth

club?

A. As far as I know, I never really went into it.

Q. Do you know who had the charter?

A. No.

Q. And how it was obtained?

A. No, I never even asked.

Q. Do you know anything about how these charters could be bought, obtained or activated?

A. I never had too much to do with clubs at all, only this one affair, as I was, we always had a floating crap game, and we never bothered ---

Q. Who was the man to see, if you wanted to get a charter?

A. (No response.)

THE COMMISSIONER: Do you know?

A. Yes, I was -- there was several individuals who would have charters to sell, and they would ask you if you wanted to buy them. Like, Gorkin wanted me to buy his charter in his club. Apparently, at one time, just before Eddie and I had the break-up, he was saying something about-- he always had big ideas, that Louis Herman was going to get him a charter to get beer and wine on, and liquor, and was trying to sell the idea, that he could get him a charter with liquor on it, and he had such fantastic ideas.

It never did come to anything.

MR. HOGG: Q. What was the going rate for charters?

A. At that time charters were cheap, at $1,000, and then they went up to $2,500 when they began to get scarce.

Q. When things started to tighten up?

A. Yes, you could have obtained them before at eleven hundred.

Q. Do you know anybody else who offered you any charters?

A. No, after I got out of jail, a few years later my own mother got connected with a club down at Coxwell and Queen, and they had a charter down there, and I don't know how they got it, but when they sold it they were trying to get thirty-five hundred for it, but it seemed one of the partners had one of these charters when it started.

Q. Do you know the name of this club?

A. The Arlington Club.

Q. The Arlington Club?

A. Yes.

Q. Do you know if Sam was connected with that club?

A. Yes, he is now. They got convicted and they are waiting for their appeal right now, in fact.

Q. Have you any knowledge of any

other operations of Feeley and McDermott, other than the Cooksville Club?

A. Other than that, not other than their bookmaking.

Q. In New Toronto?

A. Yes, they had three or four different there.

Q. And was that started out in -- Weatherup -- Chief Weatherup, do you know him?

A. No, I have never paid any attention to police officers, never, at any time.

Q. Does that name ring a bell?

A. No.

Q. What did you know about their booking operations out there?

A. I knew that they had a place of their own, and Clark was telling me about he had a little place with Lafrade ---

Q. Jack?

A. I don't know which one of the Lafrades, and they had been convicted so often he had to give it up, and finally they give Lafrade and Ralph a job in it, and finally when Ralph come out to work they took it away from him.

Q. After Lafrade -- and when he got convicted so many times, who did they put in as front man, or stooges?

A. Well, Lafrade was working in his

place, but I never had too much to do with their private business in this, anyway.

Q. What about Fleschuk?

A. Who?

Q. John Fleschuk?

A. I don't know him.

Q. Do you know how your brother got the Arlington Club charter?

A. There was a fellow, Tony Cutrara, he had ---

THE COMMISSIONER: What is his name?

A. Tony Cutrara.

MR. MOGG: Yes?

A. Yes, they sell wholesale fruit.

Q. Michael Cutrara?

A. There are seven or eight brothers, they have a place out there. Tony is one of the brothers. Since then he has moved out there and he is in Bestway Motors. He had this charter and my brother suggested if they fixed the place up he would getthe charter in there, you know,and they would have a partnership, more or less, for a little club, just a little card club.

Q. I wanted to clear up one or two more points. Mr. Simone, you were telling the Commissioner earlier about this telephone call you made to Mr. Rose?

A. Yes.

Q. I want to read you something that

was said at what they call the cross-examination on an affidavit. This was Feeley testifying. Mr. Rose was present. There are two references to it, but on page 44 there is a

RB/4

question here; Question 167:

"Did anybody to your knowledge get in "touch with Simons or attempt to get "in touch with him?

"A. No, not to my knowledge. As "a matter of fact, I think Simons "tried to get in touch with me. I "am trying to recall if he called "Mr. Dave Humphrey's office, and "tried to contact me. He wanted "$6,000 or $7,000 to get out of "town."

And the next question was:

"Who told you that?

"A. I am not sure if it was Mr. "Dave Humphrey. It seems to me it "was Mr. Dave Humphrey."

THE COMMISSIONER: He has told us that.

MR. HOGG: Well ---

THE WITNESS: I told you that, I told you about that before. I phoned Humphrey the day after I read that in the paper.

THE COMMISSIONER: We have got all that, you are wasting time repeating it.

MR. HOGG: And about ---

THE COMMISSIONER: When did you last see

Clark?

A. Well, the Commision was in May ---

Q. Have you seen him in the last thirty days?

A. Not in the last sixty days.

Q. All right.

A. Because I was sick on the 1st of August, I had a stroke and I was in bed for a week, and I was away for five or six weeks. I have not seen anybody since then.

THE COMMISSIONER: Mr. Rose.

EXAMINED BY MR. ROSE:

Q. When was it you were released from jail, Mr. Simone, on the sentence you did for keeping a common gaming house?

A. Actually, I cannot say the exact date, but I went in on or around the 5th or 10th of January of 1954.

Q. You came out approximately seven or eight weeks later?

A. It was March, something like that, when I came out.

Q. In 1955?

A. No, '54.

Q. What have you been doing for a

living since then?

A. I am connected with two or three fruit businesses.

Q. You gave up gambling, did you?

A. No, I have not given up gambling, there has not been any gambling so far as I am concerned, not for me, anyway.

Q. There has been no gambling for you?

A. No.

Q. You have not been around gambling since?

A. No.

Q. You have had no connection with any game at all?

A. No.

Q. And Mr. Wilson does not have your criminal record like he has the record of everybody else in the last few days who has given evidence, but I understand from your evidence that you have been ---

A. I was convicted several times prior to that.

Q. For what?

A. Keeping a common gaming house.

Q. On how many occasions?

A. I would say it was quite a long record.

Q. Just do the best to remember?

A. I would say there might have been fifteen.

Q. For keeping a common gaming house?

A. Yes.

Q. When did all those start?

A. When I was about nineteen years old, about thirty years ago.

Q. And your last conviction for keeping a common gaming house was in 1955?

A. 1954.

Q. 1954?

A. Yes.

Q. And I believe you said to Mr. Hogg, as I took you down, that the only pinches -- "I have never been convicted for anything else but gambling"?

A. That is right.

Q. You are sure of that?

A. Positive.

Q. You were charged in Hamilton in 1956 ---

A. For being drunk, or something.

Q. Not for being drunk, or something ---

A. What was it then? I don't even remember -- tell us what it was for?

Q. Were you convicted in 1956, when Mr. Humphrey was your counsel at that time?

A. Yes.

Q. You don't recall the charge?

A. I recall it -- you tell me what it was.

Q. What was it?

A. I would not want to discuss it in front ---

Q. It must have been gambling?

A. No.

Q. It was not gambling?

A. No.

Q. I thought you said that you had never been convicted for anything else but gambling?

A. Don't put words in my mouth ---

THE COMMISSIONER: Just one moment, gentlemen, please.

MR. ROSE: Tell us?

A. It was a charge, according to the way I understand it, the charge was beat, because I was drinking one night and I got out of my car and urinated beside it.

Q. The charge was indecent exposure?

A. As far as I was concerned, Mr. Humphrey said that we beat the case.

Q. Do you still want to tell the Commissioner that you have not been convicted of anything else other than gambling?

A. Other than that, to my knowledge, we beat that case, because I was speaking to Mr. Humphrey, and we went out, and we had a drink over at the Hotel Connaught, and he said that we had beat the case, and I understood that it was dismissed.

Q. Did you plead guilty or not guilty?

A. I pleaded not guilty.

Q. Did you give evidence?

A. What do you mean by "giving evidence"?

Q. Did you go into the witness box and give evidence in your own defence?

A. I don't think so.

Q. You are saying that you were found not guilty?

A. Well, Mr. Humphrey told me that we had beat ---

Q. Don't you know what happened?

A. No, there was so many charges there, that there were about seven or eight charges there, and they were all dismissed, according to Mr. Humphrey's way of saying that we had beat them ---

THE COMMISSIONER: What is the date, Mr. Rose?

MR. ROSE: 1956.

Q. Did you say that there were seven or eight charges?

A. They charged me with drinking, and driving while drunk, and ---

Q. What were the other five or six?

A. I don't know what they were, I am not that familiar with it. I thought it was dismissed, because Mr. Humphrey said that we had beat the case and ----

Q. Yes?

A. And, I was caught doing something

in the street, and I got picked up, and I says, "Is that serious, I don't think there is anything in it." He said, "It is serious because would you like to have that record, because everytime they read your record your name comes out about it." They charged me with gross indecency, or something.

Q. Mr. Simone, that is not gambling, is it?

A. No, but I mean ---

THE COMMISSIONER: Was he convicted of gross indecency?

MR. ROSE: I have no idea. He is telling me about it. He told Mr. Hogg without any hesitancy that he had never been convicted of anything other than gambling.

A. If we are going to go into that, I have been convicted several times for speeding.

Q. Let us deal with the seven or eight charges in Hamilton in 1956.

(Page 11075 follows)

MR. HOGG: Mr. Commissioner, Mr. Rose is asking this witness about things that he was charged with, and it would seem apparent that Mr. Rose has the exact date of this, and has some knowledge of what transpired at the time.

MR. ROSE: I know it is apparent. I don't need you to tell me.

THE COMMISSIONER: You know what?

MR. ROSE: I know it is apparent. I don't need Mr. Hogg to tell me what is apparent, because he is trying to deviate from what this witness said this morning, or this afternoon. He said"I have never been convicted of anything in my life except gambling".

THE COMMISSIONER: I know that is what he said.

MR. ROSE: Let 's get to the truth.

THE COMMISSIONER: Let's get on with the cross-examination.

MR. ROSE: Q. What other charges were laid in Hamilton?

A. I just told you. I told you I was driving home from the racetrack. If I hadn't had been driving it wouldn't have happened. I went to Hamilton looking for this fellow and couldn't find him, so I stopped the car.

Q. What other charges, aside from

gambling, have you been charged with prior to 1956?

THE COMMISSIONER: Well, now, just a moment. Just a minute. What other convictions has he had?

MR. ROSE: No, sir. What other -- may I put it to him in his own words? Were you ever convicted for anything else besides gambling before 1956? Because this witness has sworn "I was never convicted for anything in my life aside from gambling".

THE WITNESS: All right, I will answer that. Before 1956?

MR. ROSE: Q. Yes.

A. Was I ever charged with?

Q. Yes.

A. Other than driving convictions.

Q. Other than gambling?

A. Well, I was convicted for driving convictions.

Q. What else?

A. Speeding. Nothing else.

Q. Nothing else?

A. No.

Q. Aside from gambling offences?

A. Aside from gambling.

Q. You mentioned to both Mr. Wilson and Mr. Hogg, I believe, that some months ago you were on the verge of a nervous breakdown. Well, did you have a nervous breakdown?

A. That is some weeks ago. Seven weeks ago.

Q. Seven weeks ago. Did you have a nervous breakdown?

A. Thedoctors said it was a nervous strain.

Q. Did you have to have hospitalization?

A. I think just over night. I was in bed at home for a couple of days.

Q. What treatment did you have for it? Just rest and --

A. Just rest and some pills.

Q. Have you ever suffered from any mental illness of any kind?

A. Never.

Q. Ever been in any psychiatric hospital?

A. No.

Q. And were you ever - were you ever charged at any time with arson?

A. No.

Q. The reason I ask you is that Mr. Clark has evidently told Mr. Feeley that he and you burnt down the Alpha Club one night.

A. I told Feeley and McDermott that myself.

Q. Did you?

A. Yes, I did.

Q. When did you say that? At the

time you burned it down?

A. Well, it was after I come out of jail. I didn't burn it down. I went with the party the night that it was burned down.

Q. Well, Mr. Clark evidently told Mr. Feeley that you and he were driving past the Alpha Club, and you took the position at that time, "Come on, let's go burn this place down"?

A. Are you sure it was Mr.Clark that told Mr. Feeley that?

Q. That is what I am suggesting.

A. I am suggesting it was me that told him.

Q. Told who?

A. Feeley. Not Feeley, I never spoke to Feeley. As far as I was concerned, Feeley was a stooge for McDermott.

Q. Who burned it? You and Clark?

A. I phoned McDermott and said your club is burning down, come on out and look at it.

Q. Who started the club burning?

A. Well, I didn't, I will put it that way.

Q. You didn't?

A. No.

Q. Did anybody with you do it?

A. Well, is that necessary to answer?

Q. Yes, did anybody with you do it?

A. Well, I am not going to put anybody else in a spot. I am not goingto say.

Q. Just tell us who was with you.

A. I am not going to say.

MR. ROSE: Mr. Commissioner, I ask he be directed to answer.

THE COMMISSIONER: You better answer.

A. Clark was with me.

MR. ROSE: Q. That is Ralph Clark?

A. Yes.

Q. Clark. So you didn't burn it down. Did you stand there and watch him burn it down?

A. Well, at one time he was a partner in this club before, and he knew how to get in the back window. He was the only one could crawl in.

Q. Did he crawl in?

A. Yes.

Q. What was he crawling in for?

A. What do you think he was crawling in for?

Q. Did you tell him --

A. To burn the place down.

Q. Did he tell you before he crawled in?

A. Yes.

Q. Did you help him up to the window?

A. No, it was a low one. He didn't have to be helped up.

Q. What did you do?

A. I stayed in the car watching itburn. I went up and phoned McDermott.

Q. I see. What did he use to burn it down?

A. Well, I told you we didn't go in any details what he used, or what he didn't use. I don't know what he used.

Q. Did he come back out the window the same way he got in?

A. No, once he got in he could open the front door,and he came out the front door.

Q. What happened? When the fire wasburning briskly, did he come out the front door and go back to the car?

A. As soon as it started, he went back to the car.

THE COMMISSIONER: Did they extinguish the blaze?

A. No, the fire department couldn't get into it on account of the screens on the doors, so the thing was just left in a shell. As a matter of fact,when they went back to rent the place, they couldn't. The fellow couldn't get any insurance with the

screens on it. So they had to put in a $20,000 deposit, or something, to pay for it.

MR.ROSE:

Q. Now, then, getting back to this fire, Clark came out?

A. Correct.

Q. And the two of you went back in the car?

A. Sat there watching it burn.

Q. Sat and watched it burn?

A. Sure.

Q. Now, where did you go to phone McDermott?

A. I went down the highway.

THE COMMISSIONER: Did anybody play a fiddle?

MR. ROSE: Q. Where did you phone him from?

A. I phoned him from a pay phone. I don't know where it is. I didn't take the number down.

Q. And what exactly did you say to him?

A. I said, "Go out and have a look at your club, there is a little fire there."

Q. Did you tell him at that time that you had set it?

A. I just told him exactly what I told you. I said, "Go out and take a look at your club."

Q. What year was this?

A. Well, I don't know. It was after I come out of jail. I don't know exactly.

Q. It would be about seven or eight years ago?

A. Yes.

THE COMMISSIONER: Well, let's have it a ten-minute recess.

---Short recess.

MR. WILSON: Mr. Commissioner, when this witness was interviewed on June 12th last, he asked for and received the protection of The Canada Evidence Act, and so as to have no misunderstanding, I want that ruling that that protection that he is afforded then extends through to the answers he is giving here today.

THE COMMISSIONER: Yes. Mr. Rose?

MR. ROSE: Q. Now, were there any other minor little matters like a charge of arson that you committed that you have not told us about?

A. Not to my knowledge, no.

MR. WILSON: Well, the form of the question is very objectionable, Mr. Commissioner. Counsel is saying in effect that this witness has said he committed arson.

THE COMMISSIONER: Yes, I know.

THE WITNESS: When you ask me, I don't know whether you mean driving. I have

had several driving convictions, and I don't know if that is what you are referring to.

MR. ROSE: Q. Let's leave convictions and charges, then, for a moment. When was it you were first subpoenaed to give evidence before this public inquiry?

A. Well, I would say around the 10th of 12th of April.

MR. WILSON: Mr. Commissioner, possibly to help my friend Mr. Rose, I now have obtained --

THE COMMISSIONER: Let me see that, please.

MR. WILSON: -- from the Metro Toronto Police the criminal record of this witness.

THE COMMISSIONER: Is that your criminal record?

THE WITNESS: (Examines document) Some of it. Not all of it. There are more charges than that. There is one for instance - this is - oh, pardon me. I thought this was '51. I am sorry.

MR. WILSON: It doesn't cover anything in Hamilton, Mr. Commissioner.

THE COMMISSIONER: No.

MR. WILSON: We are trying to get that now.

THE COMMISSIONER: All right, Exhibit 266.

THE REGISTRAR: 267.

----EXHIBIT NO. 247. Criminal record from Toronto Metro Police of Dominic Simone.

MR. ROSE: Q. Now, I see in addition to the - to the charges of keeping a common gaming house, you were, to use your expression, pinched once before on a charge of keeping a common betting house?

A. Well, I don't know how it was - how it was laid, the charge was laid but it was still crap games.

Q. It wasn't in respect to bookmaking at all?

A. No, I have never booked at all in my life.

Q. Never booked in your life?

A. No.

Q. That is a mistake?

A. I bet on horses.

Q. Was it April the 12th that you received your subpoena?

A. About that. I am not saying exactly the date. Between the 12th and the 15th, we will say.

Q. And it was served upon you by a police officer,I presume?

A. Sergeant Anderson, yes.

Q. And did you have a talk with Sergeant Anderson about the time it was served on you?

A. Nothing - what do you mean? Talk about what?

Q. Discuss what your evidence might be?

A. No, we never discussed any evidence.

Q. And when was it that you first came to this building, and gave evidence under oath?

A. Well, I wouldn't know the day. It was after that. A couple of weeks after that, I imagine.

Q. Well, would that be before the time you called me or after April 26th?

A. Before.

Q. Before?

A. Ma,hmm.

Q. And did you give your --

A. Well, do you remember what I said to you? I says --

Q. Well, just a moment. We will go into that in a moment.

A. All right. I am sorry.

Q. And it was then before April 26th?

A. Yes.

Q. And did you give ---

THE COMMISSIONER: What wasbefore April 26th?

MR. ROSE: When he came to this building.

THE WITNESS: No, no. Pardon me, now. I didn't come till afterI called you. I called you on April 26th.

MR. ROSE: Q. Well, how long after was it that you first came here to give evidence?

A. Well, I would say - I really don't remember. It would be a couple of weeks or so after that.

Q. Would it be in the month of May?

A. I am not really sure if it is during April. I paid no attention to it.

Q. And there is no doubt about it, you gave evidence here under oath?

A. Yes.

THE COMMISSIONER: He was interviewed here.

THE WITNESS: I was interviewed.

THE COMMISSIONER: Just a minute. He was questioned under oath, yes.

MR. ROSE: Q. Did you have occasion to sign any statement after your questioning was over?

A. No.

Q. May I ask you who questioned you?

A. I don't know their names.

Q. I see. You don't recognize any of them in this room today?

A. This gentleman here was.

Q. Mr. Wilson?

A. Yes. There were no questions. Just asked me a few questions.

Q. Well, when did you -- when did you discover that I was acting for Fealey and McDermott?

A. When I read it in the paper.

Q. That would be just before April 26th?

A. Well, some time prior to that.

Q. I see. And after you received your subpoena?

A. Yes.

Q. And I believe that you phoned me at four o'clock in the morning?

A. Between - it was after two o'clock anyway. Between two and seven, we will say.

Q. And do you recall you were told to phone back around eight o'clock in the morning --

A. Around eight, yes, I was.

Q. -- when the sleeping hours were over?

A. Yes.

Q. And at that time you communicated to me certain information?

A. Pardon?

Q. At that time you communicated

to me certain information?

A. Yes, I did.

Q. And the substance of that information was that you wanted Pesley and McDermott to pay you six or seven thousand dollars.

A. I told you they owed me six or seven thousand dollars, and they caused me a lot of grief, and through them I was subpoenaed to the Commission, if I hadn't got mixed up with them I wouldn't have. I said they owed me this money, and I was going to collect it, and I wanted to get in touch with them.

Q. But you were not able to get in touch with them?

A. No,I certainly wasn't.

Q. Tell me, during the last six months, aside from that call to myself, have you discussed the question of testimony with any other person?

A. Yes. You sent me to Frank Nasso.

Q. Yes. You discussed it with him?

A. Yes, I did.

Q. I see. With anybody else?

A. Well, I have discussed it with several people. I don't know who I have discussed itwith. Several people, and I mean I am not hiding the fact that they owed

me the money, or that I am trying to collect it.

Q. I see. And what was the exact amount you said they owed you? Six or seven thousand?

A. Well, roughly such an amount. I figure around six or seven thousand dollars. Actually, they owed me a million dollars, but I wanted to put it down to a figure.

Q. I understand what you told Mr. Wilson it worked out at $500 a month for 15 months.

A. No. Now you are getting ahead of yourself there. I said I had 55 per cent of that.

Q. Yes.

A. And I also had money coming for when I was in jail. I was supposed to get paid for that while I spent three months in jail.

Q. Well, we haven't heard about that before.

A. No, I guess you wouldn't.

Q. No, you didn't mention that before. Tell us about that.

A. I didn't mention it. I didn't mention about the 55 per cent.

THE COMMISSIONER: All right. He wants you to tell him what you received when you were in jail.

MR. ROSE: Q. Well, was part of the

money for what you were supposed to get in jail?

A. Yes.

Q. Well, what were you supposed to get in jail?

A. Well, when I was talking to them I said anybody that goes to jail - any time any of our help go to jail we give them $25 or $30 a day when they are in jail. I figured I was worth that much too.

Q. When did you tell them this?

A. After I come out. After we had the argument. After I found out they were striking me off.

Q. How did you compute this $7,000? $25 a day?

A. It was $20 a day for 90 days.

Q. $1,800?

A. Yes.

Q. Now, take 55 per cent of $7,500. That is ~~$4,125~~ $4,125.

A. How much?

Q. $4,125.

A. I don't know.

Q. Yes. Now, that would come close to six or seven thousand dollars, $5,925.

A. Yes.

Q. Was that how you compute the six or seven thousand dollars?

A. I didn't say six or seven. I said around six thousand dollars. I don't

know where the seven come from.

Q. That is what you were saying this morning.

A. Pardon?

Q. That is what you were saying this morning, or this afternoon.

A. I said six or seven thousand dollars. That is the figure I have given to you, but there were several little things I could bring up. For instance, they took all the furniture out of the Riverdale Club.

Q. Would it be fair to say you would take from them as much as you could get?

A. Don't you think I was --

Q. Not what I was, would you take as much as you could get?

A. No, I wouldn't. I didn't ask any amount. I said six or seven when I come out, and the argument was over.

Q. I see. That was the extent of it?

A. Yes.

Q. Now, taking 55 per cent of the $500 a month, youfelt that you were entitled to 55 per cent back on the $100 a month that the club's lawyer was getting too, did you?

A. I paid the money out.

Q. You paid it out completely yourself?

A. Well, I paid 55 per cent of it.

Q. Well, that was for work that was being done?

A. What work was done?

Q. Just a minute. With respect to the charter and the books, wasn't it?

A. Pardon me, when I got finished they didn't protect me going to jail. I went to jail anyway.

Q. Wasn't the $100 a month being paid to the lawyer in respect to the charter and the books?

A. Yes, but I wasn't being protected, because when I was paying out this $500, as far as I was concerned I was paying it for protection that I wouldn't get pinched. I went to jail. I don't care where the $500 went. I know they were getting $500 a month.

Q. I thought you told us $400 of the $500 was for protection?

A. I said $400 was for protection.

Q. And the other $100 was for Gobirtig?

A. That is right.

Q. That is what you told us?

A. Yes.

MR. WILSON: With respect, Mr. Commissioner, the poor reporter cannot take down two conversations at the same time.

THE COMMISSIONER: No. Well, I suggest that maybe the reporter would come and

sit in front of the witness. That can be arranged, cannot it?

MR. WILSON: I don't know if that will help when two people are talking at once.

MR. ROSE: Q. Now, we are not on common ground. What you said today was that $400 a month was being paid for protection?

A. Yes.

Q. And $100 per month was being paid to Mr. Gebirtig for legal services in respect to the charter of the clubs?

A. That is right.

Q. All right. Now, let's assume for the moment that that is correct, and we can understand you. $400, why would you be asking for 55 per cent of the $150 being in respect to legal services that were rendered?

A. Nothing to made with protection, as far as I was concerned. They were getting the $500. They may only have been giving Sol Gebirtig a dollar a month, as far as I was concerned.

Q. Do you know that?

A. I don't know what they give him. I didn't see them give any money. I know I wasgiving $500 a month, and they were receiving it.

Q. I guess we are on common grounds, you wanted far more money after you got out of jail?

A. I just wanted what was coming to me. If I wanted a fair amount, I would have asked more than six or seven thousand to compensate all the harm they did me.

Q. Well, when was it that you lost - last saw Mr. Anderson at the Commission offices here? That is, Sergeant John Anderson?

A. Well, when? I don't get that.

Q. When was the last time you saw him here before you came to give evidence here today?

A. The last time I saw them I was giving evidence before them.

Q. Did you not see him over here or some other place about five or six weeks ago?

A. Five or six weeks ago I was up north in Timmins.

Q. I see. How about the last three months?

A. I might have spoke to him.

Q. I see. You didn't have a conversation with him on a Friday?

A. I don't know what day it was. I might have spoken to him, yes.

Q. Was it on a Friday that you gave your evidence?

A. I don't know what day it was.

Q. Was it on a Friday you gave your evidence up here?

A. I just worked when he wanted to me. If I worked a fair amount, I would have been quite happy to stay [illegible] to production all the time he was [illegible].

Q. Well, when was it that you left - left the employ of Mr. Anderson at the Commission [illegible]?

A. Well, when? I don't get that.

Q. When was the last time you was [illegible] before you came to give evidence here today?

A. The last time I saw him I was giving evidence before them.

Q. And you did not see him [illegible] or some other place about five or six weeks ago?

A. Five or six weeks ago I was up north in Timmins.

Q. I see. Did you [illegible] [illegible] working?

A. [illegible] in [illegible].

Q. I see. You didn't have a conversation with him on a Friday?

A. I don't know what day it was. I might have spoken to him, yes.

Q. Was it on a Friday that you gave your evidence?

A. I don't [illegible] [illegible] it was.

Q. Was it on a Friday you gave your evidence or [illegible]?

A. I don't really know, to tell you the truth.

Q. And did you mention to anybody on the telphone at that time, or at any time, that you would like to get paid? Did you say that to Anderson on the Friday?

A. No, sir. I certainly didn't say that.

Q. Do you deny that?

A. Oh, I see what you are getting around to.

THE COMMISSIONER: One at a time, now.

MR. ROSE: Q. Do you deny saying that to anyone on the phone?

A. Yes, I do.

Q. And do you deny that in the last six months that you said to any person on the telephone that as far as this Commission is concerned if you went down - down here you were going to hang McDermott?

A. I would like - I said I would. I have told several people I would like to see them both hanging on the same rope.

Q. And you said that?

A. Yes, I did.

Q. That would be a pretty thick rope, wouldn't it?

A. Well --

Q. You were talking about Peter

Smooo. Have you spoken to him recently?

A. What do you mean? In relation to what?

THE COMMISSIONER: Anything.

MR. ROSE: Q. In relation to anything.

A. I spoke to him, yes. I spoke to him last night.

Q. You spoke to him last night?

A. Yes.

Q. Where did you speak to him?

A. I phoned him in Niagara Falls.

Q. What for?

A. Well, he sent word around that he wanted to talk to me, so I phoned him up, and asked him what he wanted, and he said he heard I had been sick, and was just wondering how I was feeling.

Q. I see. Was that the end of the conversation?

A. That is about it. I asked him how things were in Niagara Falls, very quiet. He asked me how things are in Toronto, and I said very quiet, too. That is about the extent of the conversation.

Q. It was a long-distance call?

A. Yes.

Q. And that is about the extent of the call?

A. Yes, it was.

Q. You just heard —

A. A fellow brought me a message in.

Q. Who brought the message?

A. This fellow Joe, we call Joe the pop man.

Q. Joe, the pop man?

A. Yes, he is a pop delivery man.

Q. A pop man?

A. Yes. Barto, I think is his name. Joe Barto.

Q. Where did you call Sacco? At his home?

A. I phoned him at his home, and he wasn't there. I called him at the club.

Q. What club?

A. That club he has got. I don't know.

Q. You had the number of it?

A. Yes. I did. This fellow give me the number.

Q. Did you discuss with Mr. Sacco on the telephone last night the Frontier Club?

A. I don't know anything about the club. I haven't been to Niagara Falls for several years.

Q. Did you discuss with him on the phone last night whether or not he had a piece of the Fort Erie club?

A. I said to him - what do you mean now? What Fort Erie club are you talking about?

Q. Just using the words "Fort Erie Club"?

A. Fort Erie Club?

Q. Yes.

A. I said how are you going on? I xxx said, "Did these guys McDermott and Feeley try to contact you" and he said "no". So I says, "Didn't you at one time have some business with them,"because when I talked to this Pete Berto, he says Pete more or less wanted to know what is going to happen at the Commission. I said, "Just go down there and tell the truth". I said, "I thought you had a piece of thisgame at one time".

Q. Which game?

A. Which game? The Fort Erie game you are talking about, and he says, "no, I didn't". I said, "I understood you did have." That is all it was.

Q. That is all it was?

A. It was just a matter of conversation.

Q. Just idle conversation?

A. Yes.

Q. You asked him if he had a piece of the Fort Erie Club? As a matter of fact, you knew he had a piece in that Fort Erie club?

A. How would I know?

Q. Did you ask him that?

A. I asked him.

Q. That was all?

A. That was it. That is as far as I can remember. I didn't mark down everything I said carefully.

Q. Did you ask him if Borelli had a piece of the Fort Erie club?

A. No, I didn't. When I know Borelli had a piece of the Fort Erie Club, I didn't have to ask him that.

Q. You didn't ask him?

A. No, no. I knew that.

Q. How did you know that?

A. Well, it was common talk around. I knew they had a piece of it. As a matter of fact, I didn't even know Borelli's name. I just knew him as "the Chief".

Q. So that what you said to him was that"did the chief have a piece?"

A. I don't remember if I said "chief" or Borelli. I have learned his name since then.

Q. If you didn't know the name Borelli, you must have used the name "chief"?

A. I might have said "chief".

Q. This is just idle talk?

A. Yes, talk amongst ourselves. It is actually nothing.

Q. Did anybody instruct you to make that phone call?

A. Nobody instructs me to do anything.

Q. This was just part of the idle conversation, and you asked him if the Chief had a piece in the Fort Erie club?

A. Yes.

Q. Or if Borelli had a piece?

A. I don't even think I know him.

Q. You mentioned Borelli or Chief?

A. Pardon?

Q. You mentioned Borelli or Chief?

A. I don't think I mentioned Chief. I may have asked him. I know he had a piece.

Q. Did you ask Sacco last night - are you saying now that you did not ask Mr. Sacco last night whether either the Chief or whoever you described him, had a piece of the Fort Erie club?

A. I am saying I don't remember exactly what we did say. I don't remember if I asked him last night about it or not.

Q. You don't remember talking about it last night?

A. I don't remember asking him. As a matter of fact, if I did, it was just something to say.

Q. You told us you didn't want - in respect to the Riverdale Club, that you didn't want Feeley and McDermott around there

because of their bad reputation?

A. Right.

Q. And was this because they have been in some sort of trouble?

A. No, not because they had been in any sort of trouble, because they had a bad reputation in gambling. Only bad.

Q. I see.

A. And allthey were known as was the "thieves".

Q. I see. You didn't want anybody around there known as thieves?

A. I didn't want any part of them at all.

Q. You didn't want thieves hanging around there?

A. To start with ---

Q. You din't want thieves hanging around there?

THE COMMISSIONER: Wait just a minute.

THE WITNESS: Yes.

THE COMMISSIONER: If you want an answer to your question, give him the opportunity to finish it.

MR. ROSE: Well, he goes off on some other answer.

A. No, I say it was --

MR. ROSE: Q. Let me ask the question. Did you not want any thieves at your club?

A. Well, let's put it this way: I

didn't want any thieves having a hand in the actual game. We will say that.

Q. That is what? Having a piece of the game?

A. Yes, or having anything to do with the game, the actual game, not being on the floor, or working outside of the game, or anything else like that.

Q. Well, would it not be fair to put it that you didn't mind them having a piece of the game as long as people didn't know about it?

A. Well, let's be more specific. I will tell you one of the reasons I didn't want them. I had a younger brother in the army about x 1944. He used to go out to New Toronto to a little fade game, and Joe McDermott tried to cheat him when he was in the game. That was one of the reasons I didn't want him around the game.

Q. The phoney dice?

A. Yes, with phoney dice, yes.

Q. I see. And in order not to risk taking chances, you didn't want them around?

A. No. I know of many people who use phoney dice. I am not saying that.I am not building myself up as a God.

Q. You wouldn't use phoney dice?

A. I probably would if I had to,

but I don't think I have to, because I think I can get along without it.

Q. Well, then, at the time your club was raided, Mr. Von Zuben was on that raid, and was in charge of it?

A. I don't know. I said I knew Von Zuben.

Q. And on that raid, they found phoney dice?

A. Yes.

Q. It was on that raid the police found phoney dice?

A. Right.

Q. No doubt about that. The police found them?

A. They found them.

Q. How many pairs? How many sets?

A. Well, they only displayed one set, to my knowledge.

Q. How many did they find?

A. How many ~~it~~ dice?

Q. Yes.

A. They only displayed one pair, to my knowledge.

Q. They only displayed one pair. How many pair did they find?

A. I don't know. Only one pair was displayed.

Q. And as a result of that you were charged with keeping a common gaming house?

but I don't think I have to, because I think I answered that already.

Q. Well, then, it was that you with was raided, Mr. Von Ruden was on that raid, and was in charge of it?

A. I don't know. I said I been [illegible].

Q. And on that raid, they found [illegible]?

A. Yes.

Q. It was in that [illegible] that [illegible] found [illegible]?

A. Right.

Q. No doubt about that. The police found [illegible]?

A. They found them.

Q. How many police? How many sets?

A. Well, [illegible] displayed one set, to my knowledge.

Q. How many did they find?

A. How many ~~xx~~ dice?

Q. Yes.

A. They only displayed one pair, to my knowledge.

Q. They only displayed one pair. How many pairs did they find?

A. I don't know. Only one pair was displayed.

Q. And as a result of that you were charged with keeping a common gaming house?

A. On account of what? On account of finding the dice?

Q. As a result of that, you were charged with keeping a common gaming house?

A. Yes.

Q. What was the other charge?

A. I don't know if there was any other charge, but it was keeping a common gaming house was the one that I know they laid.

Q. Was there another charge of cheating at play?

A. No, I don't think so.

Q. No?

A. I don't think so. I don't think they laid any charge.

Q. And at the time of the trial this business about phoney dice all came out?

A. That is right.

Q. And you say that the evidence was given that this dice had been found in your sock?

A. Yes.

Q. Was that evidence given by the police officer?

A. Yes.

Q. By a member of the Ontario Provincial Police, or a North York officer?

A. Really, I don't know.

Q. Did he give that evidence under

oath?

A. I don't know whether he got up on the stand and said it or not.

Q. I thought you said the police gave that evidence.

A. They gave evidence. They told me. They told the players.

Q. You told us it came out at the trial.

A. Just don't put words in my mouth. It came out at the trial. I don't know whether they got up on the stand. They said they found these in the game. They showed it to the players. That is all their object was. They weren't interested about the magistrate. It was the players they wanted to know about this.

Q. You told us a little while ago that you got three months for keeping a common gaming house, and the details of the dice came out at that time?

A. Yes.

THE COMMISSIONER: At the trial.

MR. ROSE: Q. At the trial.

A. Yes. If I remember right, it was me that brought it out, you know, about this dice, like I was anxious to clear my name before the dice came out, so at Mr. Gebirtig's suggestion that I should go to court and plead guilty to keeping a common gaming house.

Q. We have heard about that, Mr. Gehirtig gave evidence, you know. Now, you are saying one of the police officers planted those dice there?

A. I am not saying they planted them. They could be found on the floor. I don't know what prompted him to say they found them in my sock. I don't know what prompted them to say that.

Q. I beg your pardon?

A. I don't know what prompted them to say that, but that is what they said.

Q. They said they found them in your sock?

A. Hm,hmm.

Q. This police officer said that?

A. Yes.

Q. And when he was saying it, he must have been lying?

A. I imagine so. Do you think it would be beyond McDermott and Feeley to send them in with anybody?

Q. You are saying that McDermott and Feeley sent the dice in?

A. Well, do You think it would be beyond them?

Q. Did you ask me whether they wouldn't?

A. I didn't ask that. I am saying, would you say it was beyond them?

Q. Well, the police officer framed you. Well, talking about reputations, you didn't care too much about the reputations of the people hanging around there, did you?

A. No. For instance -- what do you mean?

Q. Well, how about Eddy Blair? What about his presence?

A. I told you what he was. I said he was associated with burglars. He was working there because he wasn't an active member of the gambling part of the club.

Q. Well, he was pretty close to it?

A. No, he wasn't pretty close to it, sir.

Q. Didn't he go out and bring the men, these other chaps?

A. No, he and Harry Tator went out.

Q. He and Harry Tator?

A. Yes.

Q. And he was working at the club?

A. Yes, he was.

Q. This was to keep the robbers away?

A. Well, he more or less thought that if they thought he was connectedwith the club they would more or less stay away.

Q. Did Eddy MacDonald hang around?

A. Eddy MacDonald, Les Erwin.

Q. Les Erwin? Who did nine years for trafficking in narcotics, and MacDonald, he is still in the penitentiary for trafficking in narcotics?

A. Yes.

Q. You didn't consider their reputations too bad?

A. They had nothing to do with the gambling part of the game. When they were working, they were doormen. If anything broke out, you have to have somebody around to keep things down. You have to have somebody to stop it.

Q. Eddy MacDonald was a doorman?

A. Yes.

Q. Les Erwin was a doorman?

A. Yes.

Q. One of your doormen?

A. Yes, he was.

Q. Who else?

A. Eddy Blair. No, Eddy Blair in fact had just quit. When we started the club we had an argument, and he quit. He quit just before because it was too boring for him.

Q. And MacDonald?

A. MacDonald was a doorman too.

(Page 11113 follows)

Q. He is doing twenty years now for trafficking?

A. I am not interested in what they are doing. I was interested in what they were doing when working for me.

Q. Their reputations were all right for your club?

A. No, their reputations were not all right. They were all right for their job. Joe could have got a job as doorman if he wanted it.

Q. Did you ever offer him one?

A. I certainly did not.

Q. Was his reputation too bad for you?

A. No. If he had come and approached me I would have given him a job as doorman. His reputation might have been, but I didn't want any part of him, that is all.

Q. When you said some one warned you to lay off insofar as asking for this money, then you did lay off?

A. Yes, I did.

Q. As I took you down, after the gentleman, or this man spoke to you and said that he (McDermott) had some very bad friends, you said you would just forget about it and let it lie until things changed?

A. Yes, more or less to that effect, something to that effect, but I says they wouldn't be looking after him for the rest of

their lives and that they had to leave them some time.

Q. Then things did change, didn't they?

A. Yes, they did.

Q. Feeley and McDermott got into a lot of trouble?

A. Everything was disrupted.

Q. They went through a couple of trials?

A. Yes.

Q. And this Royal Commission started?

A. Yes.

Q. Then you received a subpoena on April 12th?

A. Yes.

Q. Or thereabouts?

A. Yes, around there.

Q. Now, you knew that Feeley and McDermott were intimately connected with this Royal Commission?

A. I know I read the papers every night, yes.

Q. So things changed a bit by then, hadn't they?

A. Then I took it for granted that his keepers help him along, put it that way.

Q. Wouldn't it be proper to say that Feeley and McDermott had got themselves into an awful lot of trouble and you are a

person who has just been subpoenaed and you were in a position to do them a lot of harm or no harm at all. Didn't things then change so you decided you needed your six or seven thousand dollars at that date?

A. No, I needed the six or seven thousand since I asked for it in 1955.

Q. Didn't you think it might be an opportune time to get the six or seven thousand dollars?

A. No, because I was trying to get in touch with them for two years since they first went to trial and I never seemed to contact them.

Q. Didn't you consider this was an opportune time to get the six or seven thousand dollars?

A. No, I didn't think of it. I didn't have no feeling for them at all. I had the same feeling for them as they had for me when they sent me to jail.

Q. So that probably all this was just a coincidence at this time?

A. Just coincidence. What I read in the paper about you saying everybody ---

THE COMMISSIONER: You mean McDermott and Feeley?

A. The way you said everybody -- said they were like spiders, everybody was being driven into their web. So I phoned

you up and the first thing I said to you: "They are not spiders, they are a couple of rats", and that is how it came about.

Mr. ROSE: Q. Let me get back to the question.

A. When I phoned you that was my first thought to tell you about that. Then after I thought I had better tell him I was going to still collect the money one way or the other.

Q. Areyou finished?

A. Yes.

Q. Nothing more to say about it?

A. That is all right now.

Q. Listen to the question. May I take it then that it is merely coincidence that you laid off this demand for six or seven thousand dollars for some time and only renewed it after Feeley and McDermott had got into a considerable amount of trouble and you had been subpoenaed to give evidence before this Commission, is that correct?

A. Wait till I answer that question.

Q. All right, go ahead.

A. Now, I resumed trying to collect the money, when I read in the paper, I felt they were double-crossing everybody they knew and"stooling" on everybody, so I took it for granted that ifthey were -- had any

previously they certainly wouldn't have any now, because they are two guys who will never die in bed. They have got more enemies than Hitler.

Q. Thank you, Mr. Simone.

THE COMMISSIONER: Is that all?

MR. ROSE: That is all I have.

MR. WILSON: Mr. Commissioner, I have now got a record from the O.P.P. of this witness and it has three items on it. The third is a duplication of the conviction on January 8th, 1953, and the sentence of three months. The first two are convictions of being found-in, on March 15th, 1952, and December 9th, 1952.

The Hamilton Police report is to the effect that there is no record of any kind so far as this witness is concerned. So his recollection of what Mr. Humphrey told him and what happened there apparently is correct.

Can we attach that to Exhibit 267?

THE COMMISSIONER: Make it part of Exhibit 267.

MR. WILSON: There is one other question or one other matter:

Q. You spoke to Sergeant Anderson, you volunteered information to Sergeant Anderson about Feeley and McDermott?

A. Yes.

Q. And did you volunteer that

information before you were subpoenaed in this ---

A. I met Mr. Anderson in the race track last May -- not this year, the year before the Commission was even thought of, and we happened to get talking of McDermott and Feeley. That is when they were on trial.

Q. So that at that time did you tell him about the money you had paid for protection and so on?

A. I don't really remember if we discussed anything like that, but I do recall getting, talking to him before I was subpoenaed, even this year, about -- I don't recall whether I mentioned to Mr. Anderson about the money; I don't know whether I did or not.

Q. Maybe he can recall the conversation?

A. Yes.

Q. Or maybe he made notes about it?

A. I know there was a lot said. I don't know whether that was ---

Q. That was long before you were subpoenaed?

A. Oh, yes. As a matter of fact, it was around March, February or March.

Q. Well, that is all.

MR. HOGG: Mr. Commissioner, I understood Mr. Rose in his cross-examination to put to this witness, with an exact time and date and

place, the fact that he had been convicted of indecent assault and charged with a much more serious sexual offence.

My understanding is that there is no record of that sort at all with the Hamilton Police Department.

THE COMMISSIONER: We have it clear. I don't know where Mr. Rose had his information.

MR. ROSE: Mr. Hogg, you are wrong, and I am sure, Mr. Commissioner, if you will think back you can find that out, because I put to this witness: Were you ever pinched for anything else aside from gambling? I specified the word "pinched" in his words, and I asked him about Hamilton and he said that he was "pinched" for that offence, and I said, "Any other offence?", and he said there were seven or there were eight other offences or a total of seven or eight for which he had been "pinched". I never said what they were, and when Mr. Hogg says I suggested he had committed a much more serious offence, Mr. Hogg knows much better than to say that.

THE COMMISSIONER: Let me pour oil on the troubled waters. Are you all through with this witness?

MR. ROSE: No, one other thing, Mr. Commissioner. In addition I am informed that the record is not complete. Mr. Humphrey

who was present knows what happened at that particular time.

THE COMMISSIONER: Are you all through with this witness?

MR. ROSE: I am through with him, sir.

THE COMMISSIONER: Are you through with him, Mr. Hogg?

MR. HOGG: I have one question in addition to this matter that I wish to raise.

THE COMMISSIONER: Let me hear it.

MR. HOGG: I would like to ask this witness if there was any connection, ifhe knows of any connection between the fire he referred to and the fire at a club in Leaside.

THE WITNESS: No.

THE COMMISSIONER: Are you through with this witness?

THE MR. WILSON: I am through with him.

THE WITNESS: Can I answer to that question about that conviction, that I said to Mr. Humphrey ---

THE COMMISSIONER: Wait a minute. We have the record of your convictions that you say is correct. All right, that settles that. You may stand down.

---The witness withdrew.

MR. WILSON: I call Mrs. Clark.

GRACE CLARK, sworn.

THE COMMISSIONER: Do you care to sit down?

A. Well, I wouldn't mind.

THE COMMISSIONER: Get the lady a chair.

EXAMINED BY MR. WILSON:

Q. Where do you live?

A. I live at 2 Edilou Drive in Alderwood.

Q. What is your husband's name?

A. Ralph.

Q. Ralph Clark?

A. Yes, sir.

Q. And you know that he was subpoenaed to be a witness before this Commission?

A. Yes, the one time.

Q. And when did you last see your husband?

A. Last Wednesday.

THE COMMISSIONER: That would be yesterday?

A. No, sir, it was a week ago Wednesday.

Q. A week ago yesterday?

A. Yes.

MR. WILSON: Q. And did he leave home at that time?

A. Well, I was out doing some washing. I took him downtown that day and then I went to do some washing, and when I came back there was a car in the driveway which were detectives

that had subpoena for him, yes.

Q. And this was the day he disappeared?

A. Yes.

Q. And have you heard from him since?

A. No.

Q. And do you know where he is?

A. No. Well, I understand that he is in Montreal or he told me at one time that he was going to go to Montreal.

DD/2

THE COMMISSIONER: When did you last hear from him?

A. Well, the last I seen him was last Wednesday.

Q. When did you last hear from him?

A. That was it, last Wednesday.

Q. That is, a week ago yesterday?

A. Yes.

MR. WILSON: Q. Where did he call you from at that time?

A. It was in the city.

Q. In Toronto?

A. Yes, as far as I know.

Q. And did he tell you that he was going away at that time?

A. He gave me to understand, yes, he wouldn't be home.

Q. And did he give any explanation as to why he was going away?

A. No. He said, well, actually he said he didn't want to come down here, didn't

want the publicity before all this -- to come down to the Commission again.

Q. Why do you say he is now in Montreal?

A. Well, that is where I understood him to say that before -- previous to this before we had talked and he said that he would rather go down to Montreal than to come and have all the publicity of the Commission.

Q. Did he tell you he had talked this over with McDermott and Feeley?

A. No, he did not.

Q. Did you know he had been talking with McDermott and Feeley?

A. No, I don't know anything about my husband's business. I am just a housewife and I have tried to cut myself off from that part of any of his life at all.

Q. What is his business?

A. Well, he was being a gambler, like, he had a small bookmaking business until last summer.

Q. Now, do you think that you could get in touch with him and advise him that ---

A. I haven't heard from him. I don't know where I could get in touch with him.

Q. I suggest you try and advise him that if he does not turn up, a bench warrant will be asked for by us.

A. Yes, sir.

Q. Do you understand a bench warrant?

A. No, sir, I don't.

Q. Well, he will. I think that is all.

THE COMMISSIONER: That is all you can help us on to-day, is it, Mrs. Clark?

A. Yes, your honour, it is.

MR. WILSON: That is all, thank you.

THE COMMISSIONER: Just a moment. Is my information correct that you have got some children at home with you?

A. Yes, sir.

Q. I suppose you are relying on him to support you and the children?

A. Yes, I am.

Q. It would be natural that he would get in touch with you for that purpose?

A. I would hope so, sir.

Q. I would hope so, too. You do your best to get in touch with him and tell him we want him down here.

A. Yes, I will, your honour.

Q. All right.

---The witness left the stand.

MR. WILSON: I will call Mr. Peter Sacco. Mr. Swayze is also appearing for Mr. Sacco.

PETER SACCO, sworn,

MR. SWAYZE: Mr. Commissioner, again I would like to ask for the protection of The Canada Evidence Act for my client.

THE COMMISSIONER: All right, he has the protection of The Canada Evidence Act.

THE WITNESS: Can I have the protection of The Canada Evidence Act??

MR. SWAYZE: I would like to repeat my request ---

THE COMMISSIONER: Under The Canada Evidence Act, yes.

MR. SWAYZE: And I would ask, Mr. Commissioner, that he have the same consideration as the former witness, Mr. Borelli.

THE COMMISSIONER: That is right, he doesn't have to answer each question: it is understood he is objecting to each. He is obliged to answer to it by reason of the fact that he is here, but he has the protection of the Statute.

MR. SWAYZE: I also ask that he have the same consideration as the other witness.

THE COMMISSIONER: We will see. I don't know anything about that yet.

EXAMINED BY MR. WILSON:

Q. Where do you live?

A. 1663 Slater Avenue, Niagara Falls, Ontario.

Q. Have you lived in Niagara Falls all your life?

A. Yes, sir.

Q. How old are you?

A. Fifty-four.

Q. Now, will you look at that record starting in 1923 and going up to 1959, police record, and tell me whether it is correct, and also whether that is a photograph of yourself attached thereto.

A. This is a photograph of me, sir.

THE COMMISSIONER: Is that police record that you have in your hand correct?

A. As far as I can remember, yes, sir.

---Exhibit 260: Criminal record of Peter Secco.

MR. WILSON: Q. Is your nickname "Black Pete"?

A. Yes, sir. They call me that, just a nickname.

Q. Now, did you operate a gambling game at the Polo Club in Niagara Falls with Dominic Simone around 1952?

A. Yes, sir.

Q. And what was the address at which that game was carried on?

A. 1693 Victoria.

Q. That was the address where the

Ramsay Club later carried on, and who owned the premises?

A. My brother.

Q. Your brother, and what is his name?

A. James Secco.

Q. Were there just the two of you as partners in that operation?

A. That is right.

Q. And was there an employee named Reg Guadagno, or how do you pronounce it?

A. I don't remember, sir.

THE COMMISSIONER: Don't you remember Reggie?

A. No, I don't remember him.

Q. Pardon?

A. I didn't remember him, I don't remember him, seeing him.

MR. WILSON: Q. Well, who were the helpers you had?

A. Simone brought his helpers down from Toronto here.

Q. He brought the crew down, did he?

A. That is right.

Q. And you say you didn't know all of them?

A. No, I didn't.

Q. Did some of them stay on after Simone pulled out?

A. When Simone pulled out they all left with him.

Q. You say they all left with him. How

long did this game go on that was operated by Simone and yourself?

A. About a month or two, maybe a little longer. It is hard to say because then we got arrested.

Q. Yes, and you were charged and convicted?

A. That is right.

Q. And fined $2,500 on May 1st, 1952?

A. That is right.

Q. Did you know Benjamin Nicoletti?

A. No, sir.

THE COMMISSIONER: Do you not know him?

A. No, sir.

MR. WILSON: Q. Let us have the photograph of him and show it to the witness. What exhibit is that?

THE REGISTRAR: 261.

MR. WILSON: Have you ever seen that man before?

A. No, I have not, sir.

THE COMMISSIONER: What is his answer?

MR. WILSON: Better put your glasses on.

A. No, I have not, sir.

Q. Did you know Dominic Mantell?

A. No, sir.

Q. Show him Dominic Mantell's picture. I don't think you need to cover up the -- he says he doesn't know.

Do you know the man who is shown in that

photograph?

A. No.

Q. Now, after your conviction, isn't it a fact that you carried on a game with other partners at that same address?

A. No, sir.

Q. What was carried on at that address after Simone left?

A. After Simone left we used to play pinochle and bridge.

THE COMMISSIONER: Who?

A. Me and any of the Italian boys that was around that wanted to come up and play, they were welcome to come in.

Q. Describe the premises to me?

A. It is on Victoria Avenue.

Q. Yes, was it a downstairs premises or upstairs?

A. No, upstairs.

Q. What was downstairs?

A. A post office.

Q. Post office?

A. Yes, post office now.

Q. What was it then?

A. It was a souvenir store.

Q. How did you get up to the ---

A. Stairs on the side.

Q. An outside entrance?

A. That is right.

Q. Outside stairway?

A. That is right.

Q. And what was the upstairs, was it divided off into rooms?

A. It had two rooms.

Q. Large or small?

A. Large -- well, one was separated in the middle, like, you know.

Q. Two large rooms?

A. Yes.

Q. Was there furniture in it when you and Simone operated the Polo Club?

A. Yes, but they confiscated, and the Chief of Police made me bring it out to the police station.

Q. Yes?

A. And that was it. They kept it there.

Q. Then it was taken out and there was no furniture left there?

A. Just a table, small card table and a couple of chairs.

MR. WILSON: Q. You used the Goldfield Club charter at that address after you were convicted, didn't you?

A. That was away after that, sir.

Q. Was it away after that?

A. Yes, sir.

Q. How long did you use the Goldfield Club charter?

A. Well, we tried to get the Goldfield

Club charter but we never did get it. We tried to ask for a branch and they would not give it. So that was it.

THE COMMISSIONER: Who is "we"?

A. Well, some of the boys there wanted it.

Q. Who were they?

A. Well, I just don't remember right now, sir.

Q. Are you sure?

A. That is right.

Q. Don't remember any of them?

A. No, some.

Q. Who were the some you remember?

A. Well, I was one that suggested it.

Q. Yes?

A. Some of them, but I don't remember who the rest would be, to be honest with you. I don't remember who they were. One of the lads was from -- he was working at the Hydro, I think, and he was from Timmins. I guess he tried to get it down there. That is how it was. I guess they cancelled ---

Q. What was his name?

A. I don't remember, sir. They were talking about it in there amongst themselves.

Q. Why did you want a charter?

A. I don't know what they wanted it for.

Q. Now, please.

A. That is right.

Q. You wanted it for the same reason that you had the Polo Club charter?

A. No, I didn't want it because I didn't want to have no more crap games. I got enough trouble out of it.

Q. Let me see his record. You say it was in May, 1952, that he was convicted. It is March 16th, according to this.

How much were you fined when you were convicted?

A. $2,000 and something.

THE COMMISSIONER: This is it, March 16th, Mr. Wilson.

MR. WILSON: I think I might have talked about the date of the offence rather than the date of the conviction, or vice versa.

THE COMMISSIONER: You knew when you were operating there under the Polo Club charter, that that gave you some measure of protection, having a charter?

A. That is what I thought.

(Page 11135 follows)

MB/3

Q. That is what you thought, yes. Then you wanted - after you were convicted did you lose the charter?

A. That is right.

Q. Then you say "We tried to get another one"?

A. Yes.

Q. Namely the Goldfield charter?

A. Yes, sir.

Q. For the same purpose?

A. Not for the same purpose.

Q. For what purpose?

A. Just so that we could congregate and hang around there. They figured they wanted to do that.

Q. You can do that without a charter.

A. They wanted to get it, I don't know what for. I guess this lad was from Timmins that was working at the Hydro and he wanted to bring it down, I guess, as far as I am concerned. I didn't know. They were talking amongst themselves.

Q. You said, "We tried to get the Goldfield charter".

A. Well, I suggested it with him.

Q. You suggested it?

A. No, I didn't suggest it. I was one of them, the group, that were speaking of it.

Q. That is what I was saying. Why did you want it?

A. Just to have a charter.

Q. But you could gather there without a charter?

A. Well, just to have a charter, that is all.

Q. For protection, like the Polo Club charter?

A. No.

Q. Are you swearing to that?

A. Yes, I didn't want to have no more crap games. I had enough trouble with it.

MR. WILSON: Q. Why did you get mixed up with the Ramsey Club when it got going?

A. I wasn't mixed up in it. I was just a member.

Q. You were just a member?

A. That is right.

Q. We have had ~~guiss~~ filed here a brief known as the Ramsey brief, Exhibit 102 and it lists the Canadian keepers in there as Ralph Agretti, steward, and Albert Iannuzelli, top Canadian boss.

A. I never seen Albert Iannuzelli in there at any time.

Q. You never did?

A. No, sir.

Q. What interest did he have?

A. I don't know.

Q. Louis Iannuzelli, he counted the money?

A. No, Louis used to come up there but I never seen him count any money.

Q. No, and Michael Paul, he was the watchman on the roof, wasn't he?

A. I never seen him on any roof.

Q. Did you see him around there?

A. I seen him, but I never seen him on the roof.

Q. Are you sure?

A. I never seen him on the roof, just playing cards, like I was doing.

Q. What about Peter Mitchell?

A. Used to play cards with us up there all the time.

Q. Didn't he have the lunch counter there?

A. I don't remember, sir, of that.

Q. What about John Sicone?

A. I don't know.

Q. You don't remember?

A. No, I don't remember him doing anything.

Q. It says:

"Peter Sacco, convicted gambler -

"brother of landlord of building.

"Helps out on door at top of

"stairs."

A. I never did, sir, at any time.

Q. You deny that?

A. Yes, sir.

Q. What about the Americans that were mixed up in this operation, you said that you had never met Benjamin Nicoletti?

A. No, I didn't.

Q. Dominic Mantel?

A. No, I didn't.

Q. Frank Cabello?

A. No, I didn't.

Q. Who were the dealers, were they Canadians or Americans?

A. I guess they were Americans. I didn't know who they were.

Q. You say you didn't know the names of any one of them?

A. I didn't, none of them.

Q. None of them?

A. None of them. I knew most of the Canadians.

Q. Who brought them in each night?

A. I don't know.

Q. Who was the doorman?

THE COMMISSIONER: I take it from your name, Mr. Sacco, that you are of Italian descent?

A. That is right.

Q. Were the dealers also of Italian

descent?

A. No, as far as I know they didn't talk Italian. They were always speaking English, the guys who were there, but I don't know who brought them there.

Q. They were from across the river?

A. As far as I know.

Q. How did you know that?

A. Well, that is what I thought. I didn't know who they were. They were not from around Niagara Falls so I didn't know who they were or where they were from.

Q. Because they were not from Niagara Falls, Ontario, you assumed they came from across the river?

A. I don't know. It might be or it might not be.

Q. Did Simone tell you they were from Niagara Falls, New York?

A. No, I never asked anybody. I used to go up and play short times, me, Peter Mitchell - we used to play bridge, pinochle, the three of us ("Cutthroat pinochle" they call it), me, Peter, and this Louis Iannuzelli, used to play quite often, pretty near every night.

Q. Who brought in the money for the bank game?

A. I never seen who brought it in.

Q. You never seen who brought it in?

A. I never saw it, because I was never down near the pool table at any time. I was up the other end of the building.

Q. How many dealers did they have?

A. I don't know.

Q. You didn't count them?

A. I never hung around there. If they decided to play, there was guys playing amongst themselves, and I never seen no dealers, in there.

Q. How did you get in these premises?

A. Up the side of the premises.

Q. How did you get in?

A. Go through the door in the building.

Q. You are saying the door was open all this time, are you swearing to that?

A. Yes, the door was open when I went in and at all times.

Q. At all times?

A. That is right.

THE COMMISSIONER: Q. Could anybody walk in?

A. When I went in there, I used to go in around sometimes eight, sometimes nine, sometimes a little earlier, sometimes a

little later, and the door was open when I went in there.

Q. You mean unlocked?

A. Yes, sir.

Q. So anybody could walk in?

A. That is right. At that hour when I went in it was always open and I would walk in.

MR. WILSON: Q. What time would you leave as a rule?

A. I used to leave sometimes two and three o'clock in the morning.

Q. At any time when you were there did you ever find the door locked?

A. There was a front door which was always open atthe bottom.

Q. Always open?

A. Always open, the bottom door.

Q. Was there a doorman there?

A. They had a little fellow there. I don't know who he was, a little crippled fellow.

Q. Would it be Isadore Segal?

A. I think that is who it was. "Gimpy" they used to call him. I don't know his right name.

Q. Were you ever there when the police made a raid?

A. I was there the night they made the raid in the morning.

Q. More than one raid were you there?

A. I was there a couple oftimes I guess.

Q. Was the door always open when the police came?

A. I couldn't tell you, because I wasn't down there. I couldn't say.

Q. The times when you were there, when the police came?

A. I was playing at the other end of thebuilding. I don't know if it was open or somebody opened it. I couldn't tell you.

Q. Now, who owned thisbuilding?

A. My brother.

Q. Your brother, and did you look after his interest in the building or did he take care of that?

A. No, I used to rent it from him.

Q. You used to rent it from him?

A. From my brother, I rented it for $50 a month from him and I rented it to Dan Maglio for $75.

Q. Are you speaking now of the time that the club, the Ramsey Club, was being carried on there?

A. That is right. That is what you are talking about.

Q. That is right. Who is the man you say you rented it to?

A. Dan Maglio.

Q. M-a-g-l-i-o?

A. That is right.

Q. And where does he live?

A. Niagara Falls, New York.

THE COMMISSIONER: Just a moment. How do you spell Maglio?

A. M-a-g-l-i-o.

Q. For $75 a month?

A. That is right, and I gave my brother $50. Thatis what he used to charge me, $50.

Q. How long a lease did Maglio have?

A. I didn't give him a lease.

Q. He was a month to month tenant, was he?

A. That is right. Maglio paid me the first month when he rented the premises.

Q. Yes?

A. Then, Ralph Agretti used to give me the money. He was the steward of the club.

MR. WILSON: Q. Were you there the night of the raid that resulted in the prosecution?

A. Yes, sir.

Q. What were you doing there that

night?

A. I was playing pinochle.

Q. Playing pinochle?

A. That is right.

Q. You had about $368. on you and $309 of that was American?

A. That is right.

Q. Do you usually carry around that much when you are out to play pinochle?

A. No, but I won money that night.

Q. You won?

A. We were playing cent a point bridge earlier, and I won close to $70 playing bridge, and pinochle we played $10 a man.

Q. And close to $30,000 was found on the ---

A. They never found that on me.

Q. But the total amount that was taken that night.

A. I don't know. They didn't tell me about that.

Q. You were well aware that a bank game was going on there night after night?

A. I never seen no bank game when I was there.

Q. But you told us you know these American dealers came in every night?

A. I never seen No dealers. I didn't know who they were. I know there

was lots of Americans but I didn't know what they were there for.

(Page 11145 follows)

DD/4

Q. In other words, you were how far away from the pool table where they were throwing dice?

A. I was from here to that there third table.

Q. To that third table, about thirty feet?

A. That is right.

Q. Did they bother you?

A. No.

Q. How many people would be around that pool table every night, on an average?

A. I couldn't tell you. I never counted them.

Q. What would you suggest?

A. Well, I couldn't say.

Q. Thirty, forty?

A. I couldn't say.

Q. You couldn't say how many men?

A. There might have been more, there might have been less, for all I know, but I don't know how many there were because I didn't bother with them. I used to come up, me, Pete Mitchell, a few more, used to play either bridge or pinochle. If there wasn't enough for a foursome, three of us could play this one game and later on any people that came,but as far as the rest, the people came but I never played with them up there at any time.

Q. How well did you know Dan Maglio?

A. I didn't know Dan Maglio well, except the one time I saw him.

Q. How did you get in touch with him?

A. I was in the "Bright Spot". There would be a group of Italians there.

Q. You were where?

A. The "Bright Spot", and he walked up to me out of a clear sky and asked me if I was the owner of the building and I said, "No, my brother". He said, "Did you want to rent the upstairs?", and I said, "Sure".

Q. Yes?

A. And I rented it.

Q. Did you not enquire what kind of business he was going to carry on?

A. He said they were going to have a club there.

Q. He said they were going to have a club. Did you ask him where he came from?

A. I didn't, to be honest with you.

Q. You didn't?

A. No.

Q. You knew that he came from across the river?

A. After I did.

Q. You found that out after?

A. Yes. I asked this lad who he was and he told me that he was from Niagara Falls, New York.

Q. You asked what lad?

A. There was a lad in there ---

MR. WILSON: Q. You will have to speak up.

A. There was a lad from Niagara Falls I asked who this Dan Maglio was, and he told me.

Q. What did he tell you?

A. That he was from Niagara Falls, New York.

Q. Did he tell you he was a gambler?

A. No.

Q. What did he tell you he did?

A. He didn't say. Just told me he was from Niagara Falls, New York.

Q. You didn't care to enquire what he did?

A. No, he looked like a gentleman to me.

Q. You knew what he did after, after he took over the premises?

A. I never seen him in the place after that.

Q. You never did?

A. No, sir, never see him there.

Q. It is his friend that came, was it?

A. No, Ralph Agretti paid the rent after that. He was the steward.

Q. Ralph Agretti did?

A. Yes.

Q. Where had Ralph Agretti been before

he came to your club?

A. He was steward there. I didn't know where he was.

MR. WILSON: Now, it is five after 5.00, Mr. Commissioner, so somebody tells me. I guess we will resume in the morning.

THE COMMISSIONER: Yes, 10.00 o'clock to-morrow morning.

MR. WILSON: Mr. Commissioner, I think this witness should be warned not to talk about this with anybody while ---

THE COMMISSIONER: Have you been talking to anybody here to-day?

A. My brother, just sat there with him, and I haven't been talking to him about anything ---

THE COMMISSIONER: All right, don't talk to anybody else.

---Whereupon the hearing adjourned at 5.05 p.m. until 10.00 a.m., Friday, September 28, 1962.

Provincial Secretary.

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ROYAL COMMISSION

ON CRIME

IN ONTARIO

DAILY TRANSCRIPT
OF PROCEEDINGS

Date.. Friday. Sept. 28/62.

pp 11149 - 11332

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VOLUME 54

INDEX OF WITNESSES

INDEX OF EXHIBITS

A/1/DC'N

FRIDAY, SEPTEMBER 23, 1962

---On resuming at 10:22 a.m.

MR. WILSON: I will call Chief Constable Lawrence.

LEONARD GEORGE LAWRENCE, sworn

EXAMINED BY MR. WILSON:

Q. You are the Chief Constable for the City of Hamilton?

A. Yes, sir.

Q. And how long have you occupied that office?

A. Eleven years.

Q. And in 1958, were you approached by the late Chief John Truaisch of Kingston who, at that time, I believe, was the President of the Chief Constables' Association of Ontario, in regard to certain problems in the police force in Peterborough?

A. I was. At that time I was President.

Q. At that time you were President?

A. Yes.

THE COMMISSIONER: Q. What is the Association called?

A. Chief Constables' Association of Ontario.

MR. WILSON: Q. Now, as a result of that contact with Chief Truaisch, what did you do in regard to the Peterborough Police Force?

A. I went to Peterborough on a Sunday morning late in March, 1958.

Q. Yes?

A. And there interviewed the chairman of the Board of Commissioners of Police, Magistrate Waddell, and the mayor of the City of Peterborough. At that time I believe his name was Mr. McCullough. I later interviewed Chief Constable Naples in regard to certain problems experienced in the City of Peterborough, and in respect to the policing of that city.

Q. As a result of that meeting and discussions of their problems was a decision reached to advertise for a deputy chief, or what was the position that was being advertised?

A. When we left Peterborough at that time, it was arranged that Chief Constable Truaisch would submit a report toMagistrate Waddell , the chairman of the Police Commission, advocating recommendations in respect to improving efficiency of the department.

Magistrate Waddell called me in September of 1958, and said that he had just returned from a trip overseas and had been

in touch with Chief Truaisch and found that his health had deteriorated to the extent at that time that he could not submit this report, and asked me if I would submit the report. I informed the Magistrate that I was no longer president of the Association, and the new president was Chief Patrick of Kitchener. I told the Magistrate that I would convey this to the new president, Chief Patrick, in October, 1958, which I did.

The next contact was made by Magistrate Waddell to Chief Patrick in October, 1958.

Q. Well then, as a result of that contact, what happened? If you want to refer to any notes or dates, do so.

A. I have a statement that was given to Inspector Graham in May of 1961, if it would be ---

Q. I have a copy of that. I don't think we need to go into all the details. Am I right in saying a decision was reached to look for a prospective Deputy Chief?

A. That is right, yes.

Q. And there were certain qualifications which you recommended inthe report,or was recommended in the report of the type of man you were looking for?

A. That is right.

Q. Then, how was the selection

committee set up?

A. Originally the selection committee was designated to be Chief Patrick, Chief Knight, Chief McGill.

Q. Chief Knight of London?

A. Chief McGill of Toronto Township.

THE COMMISSIONER: Q. Not too quickly, please. Chief McGill of Toronto Township?

A. Chief Lawrence of Hamilton and Chief Patrick.

MR. WILSON: Q. Of Kitchener?

A. Of Kitchener . That was due to the fact that Chief Patrick was contemplating attendance at the International Chiefs' Association at Miami Beach. Chief Patrick appointed Chief Kerr of Brantford as the fourth member of this selection committee.

Q. As a result of the advertisement that was placed in the papers, you received a number of applications?

A. Approximately 20, sir, I received.

Q. Do I understand your committee boiled the applications down to eight that you thought would be the proper group to interview personally?

A. That is correct, sir.

Q. And then did the four of you, that would be Knight, Kerr, McGill and yourself,

interview these eight applicants at Peterborough?

A. Yes. We went to Peterborough in October, the 28th, 1958, and there ---

Q. Yes?

A. And there interviewed the eight applicants for the position and submitted to the eight applicants, three tests. One, a test of practical judgment. Two, an army general classification test.

THE COMMISSIONER: Q. A what?

A. An army general classification test. Three, a general knowledge test. And four, a personal interview with all four Chiefs participating, with each of the applicants. The testing and interviewing began at six p.m. on October 28th. That was a Friday, and it was concluded about 2:15 a.m. in the morning, Saturday morning.

MR. WILSON: Q. Now, among this group of eight, was William J. Shrubb, at that time a corporal in the O.P.P.?

A. Would you repeat that name again, please?

Q. Among this group of eight was William J. Shrubb, at that time a corporal in the O.P.P.?

A. Correct.

Q. And am I right in saying that as a result ---

THE COMMISSIONER: Mr. Wilson, I am

just wondering if we can shorten the matter. You have a number of other Chief Constables here this morning.

MR. WILSON: Yes, they are right here in the courtroom.

THE COMMISSIONER: I was going to suggest they could be and perhaps their evidence could be shortened.

MR. WILSON: Yes.

Q. Now, am I right in saying that following these tests and interviews of these eight candidates, that two of them came up with the same, you might say, rating? The highest rating. And you thought Shrubb and one other, and I don't want any other names mentioned, were equal?

A. Corporal Shrubb and another man attained a percentage mark of 94 per cent on the rating test.

Q. Yes?

A. As the result of an interview with all the candidates, including Corporal Shrubb and this other man, it was the unanimous choice of the selection committee that the most qualified man was for this position was Corporal William J. Shrubb.

(Page 11157 follows)

/HJH/1

Q. And did you have the authority to make the appointment, or did you just make a recommendation to the Board of Police Commissioners?

A. A recommendation was made to the Board of Police Commissioners of the City of Peterborough on Saturday morning, October 29th, 1958.

Q. And subsequently they made the final choice, as the Board of Police Commissioners?

A. That is right, sir.

Q. And they chose Shrubb?

A. They chose Shrubb as an Inspector of Police.

Q. Now, at any time while you were considering this ---

THE COMMISSIONER: What was that?

A. They chose Shrubb as an Inspector of Police.

Q. I suppose that was because the then Chief was in ill health?

A. I wasn't present at the other -- the other three Chiefs were present at the interviews. I had a heavy cold, and was indisposed at the time. I understand that it was a recommendation of the three Chiefs that whoever they selected, that it be confined to the rank of Inspector at that time.

MR. WILSON: And that was in fact the

rank they gave him?

A. That is correct, sir.

Q. Now, in Mr. Wintermeyer's speech ---

THE COMMISSIONER: Exhibit 3, please.

MR. WILSON: Yes, Exhibit 3, on page 102, on the left hand column, in the first paragraph -- or the first paragraph indicated on that page, there is a statement:

"There has been evidence that Mr.
"Shrubb became deputy chief at
"Peterborough because the gamblers
"wanted him out of the Anti-
"Gambling Squad, and accomplished
"this by bribing some members of
"the select committee which chose
"Mr. Shrubb for the job."

Q. Now, did any person, either directly or indirectly ---

THE COMMISSIONER: I did not spot that page.

MR. WILSON: 102, on the top left hand corner, right at the top. It is the last sentence in that paragraph ending at thetop of the page.

THE COMMISSIONER: Yes,thank you, I see it now.

MR. WILSON: Did any person attempt to influence your decision, either directly or indirectly, leadingup to the recommendation that Shrubb be appointed?

A. No, sir.

Q. And do you know either Joseph McDermott or Vincent Peeley?

A. No.

Q. Or James Ryan?

A. No, sir.

Q. Do you know a Paddy Conklin?

A. I know Paddy Conklin, yes.

Q. Did he in any way communicate with you in regard to this selection of Shrubb?

A. No, sir. I haven't seen Paddy Conklin since 1954.

Q. I think that is all, thank you.

THE COMMISSIONER: Have you any questions, Mr. Hogg?

MR. HOGG: Yes, I have a few, Mr. Commissioner, but I wonder whether the cross-examination of this witness could be postponed.

THE COMMISSIONER: No, I am not going to have this witness ---

MR. HOGG: I was just asking a matter of five or ten minutes. There was some material -- I did not realize he would be called first thing this morning, and I wanted to refer to a document which should be here in a matter of minutes.

MR. WILSON: We are not dealing with any other matters except this one instance.

THE COMMISSIONER: Let him stand down in the meantime. I don't want Chief Constables

hanging around while they could be doing their duties.

MR. HOGG: No. It was just a matter of a few minutes, Mr. Commissioner.

MR. WILSON: I do not propose to deal with my other questions with this witness this morning. If my friend has some thoughts in regard to some other matters, he can do it at another time.

THE COMMISSIONER: I don't know what his thoughts are.

MR. WILSON: Possibly he can tell us here. Are they to deal with charters?

MR. HOGG: I have some questions to ask about some occurrences in Hamilton. If my friend is going to have this witness back at another time ---

MR. WILSON: He will be available if you need him on some other matter.

THE COMMISSIONER: There are some other things that you want to cross-examine him on?

MR. HOGG: That is correct, Mr. Commissioner.

THE COMMISSIONER: Have you any cross-examination arising out of Mr. Wilson's examination?

MR. HOGG: I just have two questions on that.

THE COMMISSIONER: Well, then, you may as well ask him now.

EXAMINED BY MR. HOGG:

Q. Chief, were any representations made to you -- and I don't mean any improper representations, but any representations made to you -- recommendations on behalf of Constable Shrubb?

A. None whatsoever, sir.

Q. I take it that the members of the committee were all experienced police officers who had become Chiefs of Police in large areas?

THE COMMISSIONER: They will be in the witness box. You can ask them.

MR. HOGG: And they formed the unanimous opinion that Corporal Shrubb was a dedicated police officer, a man of exceptional ability?

A. That was the opinion that I had at that time, yes.

Q. Have you submitted any report or document to the Commission?

A. Yes, I have.

Q. Could we be allowed to see that report, Mr. Commissioner?

THE COMMISSIONER: What is the purpose? You have this witness as a member of a selection committee testifying as to the manner in which Shrubb was chosen. Their judgment may have been good, it may have been indifferent, it may have been bad. I am not concerned with

that, I am only concerned whether or not the matter referred to in Mr. Wintermeyer's speech, that there has been evidence that Shrubb was chosen because the gamblers wanted him off the Anti-Gambling Squad. That is all I am concerned about.

MR. HOGG: That is all.

THE COMMISSIONER: Mr. Rose?

MR. ROSE: No questions, thank you, sir.

THE COMMISSIONER: That is all.

MR. WILSON: Mr. Commissioner, I don't want any misunderstanding, Mr. Batey and probably the Liberal team do not get together too often. He has had made available to him the document that Chief Lawrence has submitted to this Commission, so that there is not ---

THE COMMISSIONER: The Police Commission?

MR. WILSON: To this Commission, which has nothing to do with the problem we are discussing this morning.

THE COMMISSIONER: I don't know what you are referring to.

MR. WILSON: Well ---

THE COMMISSIONER: What this witness has submitted to me?

MR. WILSON: It is just a factual -- certain facts ---

THE COMMISSIONER: We have got them now, haven't we, in relation to this subject matter?

MR. WILSON: It has nothing to do with

this subject matter at all.

THE COMMISSIONER: All right.

MR. WILSON: That is all, thank you.

THE COMMISSIONER: Thank you.

---The witness withdrew.

MR. WILSON: I will call Chief Kerr.

GEORGE HYLEM KERR, sworn,

EXAMINED BY MR. WILSON:

Q. You are the Chief Constable for the City of Brantford?

A. Yes, sir.

Q. And how long have you occupied that office?

A. Seven years.

Q. You have heard the evidence of Chief Constable Lawrence a few moments ago?

A. Yes, sir.

Q. And from the time when you became a member of the selection committee, is the evidence that he has given as to the actions of that committee correct as you recall it?

A. Yes, sir.

Q. Have you anything to add in regard to what course your committee took, in dealing with the matter of making a recommendation?

A. No, sir.

Q. And has any -- and did any person, either directly or indirectly, attempt to influence you in any way, in your decision resulting in the recommendation of Corporal Shrubb?

A. No, sir.

Q. And do you know Paddy Conklin that is referred to?

A. I do.

Q. It is in the Scott report, Exhibit 61, I think it is. It says here in the Scott report of April 4th, 1960:

"That Paddy Conklin was also involved "in influencing the select committee."

Did Paddy Conklin, either directly or indirectly, in any way communicate with you, and in any way influence your duties as a member of

S/2 that selection committee?

A. No, sir.

Q. That is all, thank you.

THE COMMISSIONER: Have you any questions?

MR. HOGG: No questions.

THE COMMISSIONER: Mr. Rose?

MR. ROSE: No questions, thank you.

---The witness withdrew.

MR. WILSON: I call Chief Knight.

ALBERT EARL KNIGHT, sworn,

EXAMINED BY MR. WILSON:

Q. You are the Chief Constable of the City of London?

A. Not now, sir.

Q. Well, up to a few days ago?

A. Yes, up until September the 15th.

Q. September the 15th?

A. Yes.

Q. And you were one of the members of the selection committee that recommended the appointment of W.J. Shrubb?

A. Yes, sir.

Q. And you heard the evidence of Chief Constable Lawrence of Hamilton?

A. Yes, sir.

Q. And that part of his evidence dealing with the actions of your committee, leading up to that recommendation, do you agree with it?

A. Well, from the time that I was involved in it, yes.

Q. That is what I say, from the time you were appointed?

A. Yes, sir.

Q. And, is there anything you want to add to his testimony in that regard?

A. No, there is nothing that could be added -- those are the facts.

Q. Now, did any person, either directly or indirectly, attempt to influence you in regard to the appointment of, or the recommendation,of, W.J. Shrubb?

A. No, sir.

Q. Do you know Paddy Conklin?

A. Yes, sir.

Q. Did he communicate with you in any way in regard to the appointment, or recommendation of the appointment of W.J. Shrubb?

A. No, he hau never mentioned his name to me.

Q. Now, in the Scott report, which I have referred to, Exhibit 61, under date of April the 4th, 1960, there is the statement by Constable George Scott that R.J. Wright, who at that time was a Provincial Constable, told him that Chief Constable Knight was "had" through Peter Sansome of London. Now, do you know Peter Sansome?

A. Yes, sir.

Q. And does he reside in London?

A. Yes, sir.

Q. And what type of business is he in?

A. As far as I know, he is a gambler.

Q. And did he in any way approach you in regard to your functions as a member

of this select committee?

A. No, sir.

Q. Did he ever speak to you about it?

A. No, sir.

Q. That is all, thank you.

THE COMMISSIONER: Have you any questions?

MR. HOGG: That was April the 12th, was it not?

MR. WILSON: April the 6th -- report April 4th -- unless there is an error. Just a minute.

MR. HOGG: Yes.

MR. WILSON: It is the 12th of April, there is an error in the document that I was reading from.

MR. HOGG: Yes.

EXAMINED BY MR. HOGG:

Q. How long have you known Paddy Conklin?

A. I would think probably twenty-five to thirty years.

Q. And in what -- how have you come to know him?

A. By reason of the fact that he owned a carnival, or was a part owner.

Q. And there would be a considerable contact between the owner of a carnival and the police department, I take it?

A. No, not too much.

Q. What about Pete Sansone, you say he is a gambler -- has he operated in London for some considerable time?

A. Well, in my time in the field, he was in the bookmaking business -- if you can call it a business -- and the date I don't actually know, since I have been out of the field, but I know to the extent -- I know he still gambles to the extent that he bets horses and plays dice, or crap.

Q. Is he a successful gambler?

A. I would not know that, sir.

Q. Did you have occasion to arrest him personally?

A. Years ago, yes, when I was in the field.

MR. MOGG: Thank you.

THE COMMISSIONER: Mr. Rose?

MR. ROSE: No questions, thank you.

THE COMMISSIONER: Thank you.

MR. WILSON: That is all, thank you.

---The witness withdrew.

MR. WILSON: Chief Constable Patrick, please.

JOHN EDWARD PATRICK, sworn,

EXAMINED BY MR. WILSON:

Q. You are the Chief Constable for the City of Brantford?

A. Kitchener.

Q. I am sorry, Kitchener?

A. Yes, sir.

Q. How long have you occupied that office?

A. Thirteen years.

Q. You have heard the evidence of Chief Constable Lawrence in regard to the events leading up to the appointment of this selection committee?

A. I did.

Q. And your part in that?

A. I wasn't on the selection committee.

Q. No, but I mean, he gave evidence about what part you played in the leading up to the appointment?

A. Correct.

Q. Is the statement in that regard

correct?

A. That is right.

Q. Have you anything to add on that point?

A. No, sir.

Q. Now, did any person, either directly or indirectly, attempt to influence you in regard to the appointment of this committee, or the decision they were going to make?

A. No. The part I played -- there were no applications received, I don't know who the applicants were.

Q. You don't even know who the applicants were?

A. No, sir.

Q. So, nobody -- but, apart from that, nobody did approach you, I take it, and try to, in any way, secure your support for any particular candidate?

A. No, sir.

Q. Do you know Paddy Conklin?

A. Yes, sir.

Q. Did he -- did you have any connection with him in regard to this matter?

A. The last I saw Mr. Conklin was in 1954.

MR. WILSON: That is all, thank you.

MR. HOOG: I have no questions.

THE COMMISSIONER: Mr.Rose?

MR. ROSE: No, thank you.

THE COMMISSIONER: Thank you.

---The witness withdrew.

MR. WILSON: You gentlemen can leave now.

I will call Mr. Sacco -- Peter Sacco.

MR. HOGG: Is Chief McGill not being called?

MR. WILSON: He has been.

THE COMMISSIONER: He has already testified on this matter.

PETER SACCO, recalled.

THE COMMISSIONER: You are already under oath, Mr. Sacco, you know that?

A. Yes, sir.

Q. Do you understand that?

A. Yes, sir.

EXAMINATION BY MR. WILSON CONTINUED:

Q. Did you have a little trouble with your Cadillac in March of this year?

A. Yes, sir.

Q. Did somebody shoot a bullet through it?

A. No, somebody broke the windows.

Q. So that the police were wrong if they thought it was a bullet hole?

A. The police didn't say that, they asked me what it was, and I didn't know what it was either, because I found it broken.

Q. It was just somebody doing deliberate damage to your car?

A. I guess so.

THE COMMISSIONER: A Cadillac, is it?

A. Yes, sir.

MR. WILSON: Q. Did you report it to the police?

A. Yes, sir.

Q. Did they find out who did it?

A. No, sir.

Q. What police department did you report it to?

A. The City Police in Niagara Falls.

Q. Now, when the new Ramsay Club started to function, at 1648 Stanley Avenue, were you a member there?

A. No, sir.

Q. Never a member there?

A. No, sir.

Q. Were you ever in attendance there?

A. No, sir, never at any time.

Q. Why wouldn't you go there?

A. Well, I was playing cards up there -- seven or eight of us, we used to play where we were.

Q. You mean in the clubroom, which is above your own or your brother's property?

A. That is right.

Q. You still play cards there, I take it?

A. That is right.

Q. Did you attempt recently to get in touch with Dominic Simone?

A. No, sir, I asked -- I asked if he was in the crazy house, and I asked this fellow from Toronto what was wrong with Dominic Simone.

THE COMMISSIONER: Who was thefellow?

A. Mr. Bardot.

Q. Bardot?

A. Yes.

Q. You asked him if he was sick?

A. I asked him if he was sick. He was pretty sick. That is all I asked about him.

MR. WILSON: You heard he was pretty sick?

A. Yes.

Q. That is the reason for your enquiry?

A. That is all, sir.

THE COMMISSIONER: You did not ask Mr. Bardot to have Simone get in touch with you?

A. No, sir.

B/3 Q. Are you sure of that?

A. Yes, sir.

Q. All right.

A. I asked if he was all right, that is all, you know, general talk.

MR. WILSON: You were just enquiring about his health?

A. That is all it was, sir.

MR. WILSON: That is all, thank you.

THE COMMISSIONER: Mr. Hogg?

EXAMINED BY MR. HOGG:

Q. What is your occupation now, Mr. Sacco?

A. I am in the music business -- in the music boxes.

Q. How long have you been in that ---

THE COMMISSIONER: Juke boxes?

A. That is right, sir.

MR. HOGG: How long have you been in that?

A. About twenty years -- 1943 -- from '43.

THE COMMISSIONER: What isthe name of your business?

A. The Niagara Falls Music.

MR. HOGG: Did you have any interest in any business which distributes pinball machines?

A. Yes, sir.

Q. Can you tell us what that is?

A. The Niagara Music Company. It is not pinball machines, we have a baseball machine now. About the pinball machines, we had to take them all out, the Chief of Police had us take them all out.

Q. The only music is the flicking of the pinball machine?

A. No, it is not. It is anamusement machine.

Q. I thought you told the Commissioner it was a music ---

A. We have music boxes and baseball machines too, amusement machines.

Q. But the main source of revenue comes from the pinball machines and not from the music machines?

A. No.

THE COMMISSIONER: He says they are baseball machines -- whatever the difference is.

THE WITNESS: Do you want me to explain ---

MR. HOGG: The first question I asked of this witness was if he had any interest in the pinball machines, and he said yes.

THE COMMISSIONER: I understood him to say baseball machines. However, whatever the difference is between pinballs and baseballs, I don't know.

MR. HOGG: Is there a difference?

A. Yes, sir.

Q. Can you explain what the difference is?

A. The pinball machine is an illegal machine, and the baseball machine isn't. One is batting a ball, and the other is you shoot a ball on the side. The pinball machine is where you shoot from the side, and the baseball machine you bat it.

Q. The first question I put to you on this was, did you have any interest in any business that distributed pinball machines,

and your answer was yes?

A. We used to distribute them, but since the police -- they told me to take them out. I had to take them out in Niagara Falls.

Q. When was that?

A. In 1958, or '57, or ---

Q. What is your interest in this business?

A. I own it, me and my brother.

Q. Completely?

A. Yes, sir.

THE COMMISSIONER: Have you got a company?

A. Yes, the Niagara Music Company.

Q. Limited?

A. No, company.

Q. A partnership?

A. Yes.

Q. What is your brother's name?

A. Anthony.

MR. HOGG: When youhad the pinball machines, where did you get them from?

A. In Toronto, Montreal.

Q. From some one in Toronto?

A. From L. Siegal, and Frank -- (inaudible)

THE COMMISSIONER: Who?

A. FrankKirsch, and New-Way Sales.

MR. HOGG: Is that the Siegal in Windsor?

A. No, he is -- he has a distributing company on Yonge Street -- it used to be on

Yonge Street but now they are way back off the other end where the new highway is. And there was Mr. Laniel in Montreal.

THE COMMISSIONER: Who?

A. Laniel Amusements, and from Mr. Fielding, before he died it was Gildboy & Fielding at the time.

Q. When the police told you that the machines were not legal, what did you have to do?

A. Take them out.

Q. What did you do with them?

A. They are in my shop.

Q. Are they still there?

A. That is right.

Q. Now, in your evidence you said that you had been around these gambling establishments, and gambled quite a bit over the past twenty or so years. Didn't you have any discussions with any of the Americans that were present at this club?

A. No, sir.

Q. And ask them who they were, and what business they were in, and if they had any family, and where they came from?

A. I had no reason to.

Q. You had no reason to?

A. No, I didn't. I didn't bother with them, I wasn't interested ---

Q. You just play cards with somebody,

but you don't ask them anything about their family, or where they come from?

A. I ---

THE COMMISSIONER: Were you playing cards with any of these Americans?

A. No, sir, I never play with any Americans. I play mostly with Peter Mitchell and Louis, that is Louis Iannuzzelli, and the boys from Niagara Falls that I knew that played this game, a game of pinochle which three men can play, which they call "cut-throat pinochle", and that is what we were playing. Very few people play that.

MR. HOGG: Q. And what were these Americans doing?

A. I don't know. I never stuck my nose into what they were doing.

Q. What were they doing?

A. They stayed by themselves doing the general thing you do in a club.

THE COMMISSIONER: What were they doing then?

A. I will tell you, I never put my nose into it, it is hard to explain, some were playing cards ---

Q. Do the best you can.

A. Some were playing cards.

Q. Yes?

A. Some were playing that thing that

you throw -- you know, darts; some were playing checkers; and some were playing pool when I see them.

MR. HOGG: Q. So, a group of Americans come over from across the river to play darts and checkers, in a little upstairs room?

A. I couldn't tell you what they come over for.

Q. You did not ask them?

A. No, I didn't ask them.

(Page 11182 follows)

Q. Well, there must have been some attraction for them?

A. Well, I guess so, or they wouldn't be coming there.

Q. The $309. in American money that you had, where did that come from?

A. I won it playing that night. I won about $70, $80, and the night before I had won a few dollars, and I used - and I had money on me that belonged to the company, that we collected, you know, during the day.

Q. And I want to know where the $309. came from.

THE COMMISSIONER: He has told you.

MR. HOGG: Q. Well, from money that you won?

A. Some of it I won.

Q. Some that you had?

A. That is right.

Q. And ---

THE COMMISSIONER: Collections.

A. And collections.

MR. HOGG: From outside of the club?

A. Business, my business.

Q. Your business?

A. That is right.

Q. Well, then, wouldn't it be odd if the serial numbers on those bills were consecutive to the serial numbers of the other bills that were found?

A. Well, I won that money. I don't know where they got the money.

Q. Now, you said you made some outside of the club, in the course of your business?

A. That is right. That is right, I did.

Q. Now, how would the numbers be consecutive?

A. I don't know. I can't tell you.

THE COMMISSIONER: Just a moment, I don't know that they were.

THE WITNESS: I don't know they were.

MR. HOGG: I think there is evidence of that, Mr. Commissioner.

THE COMMISSIONER: Is there? Well, then, if that is true, in the 10,000 pages, I have forgotten that particular bit. Whose evidence was that?

MR. HOGG: Well, that matter was referred to, I believe, in Exhibit 102. That is the brief,and then I believe the evidence of one of the raiding officers - I am going on my - in Exhibit 100, that the bills were consecutively numbered.

Q. Mr. Sacco,did you ---

A. Excuse me. All the money I had on me was not all American, sir.

Q. Oh, no, I know that. Some $309.

A. No, it wasn't. $309 was American.

Q. I had the total figure $309.

A. $389, it was.

Q. I understand that $368 was seized from you, and that $309 was in American bills?

A. That is right.

Q. And $59 in Canadian?

A. Well, they made a mistake. I think it should have been more Canadian money than that. That is what they give me back when I got the money back.

Q. They gave you more back than they took?

A. No, they didn't give me more than they took. You are mixed up. That is not the money I had on me.

Q. Now, in 1956, in October, did you have a discussion with Sergeant John Anderson of the anti-gambling squad about pinball machines?

A. When?

Q. In October of 1956?

A. I may.

Q. Do you recall it?

A. Yes, I recall it.

THE COMMISSIONER: Q. Do you remember the date?

A. I don't remember the date, sir.

I know I talked to him about it.

Q. You only talked to him on one occasion about pinballs?

A. That is right.

MR.HOGG: Q. October 19th.

A. I think once or twice, if I am not mistaken.

MR. HOGG: Q. And what did you talk about, what was the gist of the conversation?

A. I never talked to him. He told me I had to have them out by the end of the month.

Q. And what did you say?

A. Well, I would have them out.

Q. And then, following that conversation, did you speak to anyone about having representations made to Queen's Park? The Attorney-General's Department?

A. No, sir.

Q. Didn't have anyone make representations?

A. No, sir, I never did.

Q. Now, 1693 Victoria Avenue is what?

A. It is a post-office downstairs.

Q. Hm,hmm.

A. And I used the upstairs for a little recreation.

Q. My information is that as recently as the 3rd of December, 1951, the police

have observed at least twelve persons go in there after ten-thirty or eleven o'clock at night.

A. Well, that is that many fellows go in there, twelve or thirteen, around there. We are ---

Q. That is just a social gathering?

A. That is right, sir. The police come in there quite often. They come and see that nothing is going on.

Q. You are not familiar with the Niagara Frontier Club?

A. No, sir.

Q. The name doesn't mean anything to you?

A. I never go to any other clubs.

Q. Did you ever try to get that charter?

A. No,sir, I never did, sir.

THE COMMISSIONER: Any questions, Mr. Rose?

MR. ROSE: Yes.

EXAMINED BY MR. ROSE:

Q. Did you send word out by anyone that you wanted to speak to Dominic Simone?

A. No, sir.

Q. Did Dominic Simone call you the night before last?

A. Yes, he did.

Q. Why would he call you?

A. He called me and said "How are you doing, Peter?" I said, "Nothing bad". I said, "I hear you were pretty sick". I heard from this fellow Joe. "What was the matter with you?" Then he asked me, he said, ---

Q. Did he say what was wrong with him?

A. He said he was in hospital and he was pretty sick.

Q. Did he mention what hospital?

A. I don't recall.

Q. Now, if he did tell you that, did he mention ---

THE COMMISSIONER: Are you sure he said he was in the hospital?

A. He said he was sick.

Q. No, are you sure he said he was in the hospital?

A. No, I said he was in the hospital.

Q. No, but you just swore now he told you he was in hospital?

A. I think that is what he said.

Q. Are you sure of it?

A. Well, I couldn't swear to that right now.

Q. All right.

A. Because I don't know whether he said that to me. And then he asked me right away, he said, "How are you doing?". I said, "Nothing bad." "Well" he said, "Well, who is running the Ramsey Club?" He said, who ran the Ramsey Club. I said"I don't know." He said, "What do you mean, you don't know?" I said,"Well, I don't know who is running it." He said, "Isn't Borelli running it?" I said, "I don't know," and that is all that was said. He asked me if I was in. I said no.

MR. ROSE: Q. In what?

A. In the Ramsey Club.

Q. What did he mean by that?

A. If I had a partnership in it.

Q. In the Ramsey Club?

A. That is right. I said no, and that was it.

Q. Did he mention Feeley and McDermott?

A. He did not.

MR. ROSE: All right, then.

MR.WILSON: That is all, thank you.

MR. SWAYZE: A brief question.

THE COMMISSIONER: Well, you tell me what it is.

MR. SWAYZE: The question has to do with the representation allegedly made to the Attorney-General's Department about the pinball machines.

THE COMMISSIONER: He said he didn't make any.

MR. SWAYZE: Well, I understand there were some representations made by the association to which he belongs. I want to clear that point up.

THE COMMISSIONER: All right.

EXAMINED BY MR. SWAYZE:

Q. You belong to the Association of Machine - or the Coin Machine Operators Association?

A. That is right.

Q. And they have ---

THE COMMISSIONER: What is the name of it?

MR. SWAYZE: I believe it is the Coin Machine Operators Association, or something similar to that.

THE COMMISSIONER: Coin Machine Operators

Association, is it, Mr. Swayze?

MR. SWAYZE: I don't know. I just know there is one that Mr. Sacco belongs to.

THE COMMISSIONER: Well, are you on a fishing expedition?

MR. SWAYZE: No, no.

THE COMMISSIONER: Or do you really know what you are aiming at?

MR. SWAYZE: Yes, I had two more questions.

THE COMMISSIONER: There is this Coin Machine Operators Association.

THE WITNESS: When we had to take the machines out, so many people were indebted to the finance companies that we tried to see if there was any way of bringing a case, a test case, about the machines, so we all put in so much money to fight a case.

THE COMMISSIONER: I see.

THE WITNESS: That is all it was.

MR. SWAYZE: Q. And that was taken --

A. So nothing was done, so I pulled out of it.

Q. That case was taken to the Supreme Court of Canada?

A. That is right.

Q. And you lost?

A. I don't know what happened. I pulled out. I didn't bother any more with it because I had to take my machines out, and

I took such a big loss that --

MR. SHAYZE: Thank you.

THE COMMISSIONER: That is all.

MR. WILSON: That is all.

---The witness withdrew.

MR. WILSON: Albert Iannuzzelli.

ALBERT IANNUZZELLI, sworn

EXAMINED BY MR. WILSON:

MR. ROSE: Mr. Commissioner, I might inform you - I might inform you I appear as counsel for this witness, and I can also point out that I will be appearing for his brother, who has been subpoenaed, and that is Louis Iannuzzelli.

MR. WILSON: Q. Now, where do you reside?

A. Niagara Falls, Ontario.

Q. What is your address?

A. 2160 Stephens Street.

Q. Where were you born?

A. I was born in Italy.

Q. In ---

THE COMMISSIONER: 2160 what?

A. Stephens Street.

Q. Is that a private house?

A. That is right, sir.

MR. WILSON: Q. You were born in Salerno, Italy, in 1915, and when did you come to Canada?

A. Well, I came with my mother in 1920.

Q. And in 1940 you were doing odd jobs for the City of Niagara Falls, and dishwashing, and things of that kind?

A. Yes.

Q. You weren't very affluent in 1940?

THE COMMISSIONER: Just a moment. What do you mean by that?

MR. WILSON: Q. You didn't have much money in 1940?

A. Well, no.

Q. No. And then in the next ten years you were highly successful?

A. Yes, sir.

Q. To a point where in 1951 you declared your assets at over $200,000?

A. I imagine that is correct.

Q. Now, have you any criminal record since 1933?

THE COMMISSIONER: The assets were over how much?

MR. WILSON: Over $200,000.

Q. Any criminal record since 1933?

A. No, sir.

Q. And what -- in what way did you amass this large sum of money in eleven years?

A. Well, through hard work, one thing. Another thing, I started a little business after I got out of the army.

Q. Yes?

A. And it was a gift shop, and then from there I added on a restaurant, and

motel. Then we built another motel. It all stemmed through that.

Q. Then you acquired an interest in the Hilltop Motel, is it?

A. No, I always had an interest in it.

Q. You have always?

A. Yes.

Q. Well, not always. I was the original founder of the hotel.

Q. Well, now, what year did you found it?

A. Well, 1946 was the commencement of it.

Q. Now, when did you first get into the gambling?

A. I was never in any gambling.

Q. Never in any gambling?

A. No, sir.

Q. And the Hilltop was right across the road - the Hilltop Motel is right across the road from 1693 Victoria Street in Niagara Falls?

A. Well, it is not directly across the road. There is a railroad track across the road. It would be on the Clifton hill around the corner, sir.

Q. Yes. And you knew Dominic Mantel?

A. Yes, sir.

Q. How did you get to know him?

A. Well, Mr. Mantel had a night-club in Niagara Falls, New York, and I used to patronize it quite a bit, and that is how I came to make his acquaintance.

THE COMMISSIONER: Just a moment.

MR. WILSON: Q. And was ---

THE COMMISSIONER: He had a nightclub, you say?

A. Yes, my lord.

MR. WILSON: Q. When did you start patronizing it?

A. Well, I patronize a lot of nightclubs in Niagara Falls.

Q. When did you start patronizing his?

A. Well, I just can't remember offhand, my lord.

THE COMMISSIONER: Q. Well, roughly?

A. Well, it was in the 50's.

THE COMMISSIONER: All right, Mr. Wilson.

MR. WILSON: Q. Did you also know Benjamin Niccoletti?

A. I did.

Q. And when did you first meet him?

A. Oh, I met Mr. Niccoletti when we were youngsters. We used to go to dances at Niagara Falls, Ontario. I mean, I met him

at those dance halls.

Q. Well, he was an American from across the line?

A. A lot of Americans used to come to this particular dance hall.

Q. Yes. And have you been friends with him since your boyhood?

A. Well, I saw him off and on. We were acquaintances, yes.

Q. And what was his means of livelihood in Niagara Falls, New York?

c/3

A. Well, he had a motel, and gasoline stations, and a laundry, and so forth.

Q. Had a long criminal record, too, didn't he?

A. I wouldn't know about that, my lord.

THE COMMISSIONER: He had a motel, a laundry, what was the name of the laundry?

A. Well, he has these - like, he has these ---

Q. Coin?

A. Coin operated laundries, yes.

Q. Yes. A motel, and a coin laundry business and what else?

A. And a gasoline station.

Q. What else?

A. That is all.

MR. WILSON: Q. Well, did both Mantel and Niccoletti stay at your Hilltop Motel from

time to time?

A. No, they didn't stay. They visited me occasionally there.

Q. Visited you on their way over to the old Ramsey Club, I suppose?

A. No, no.

Q. Well, you had a trade where certain Americans would stop at your place on the way to the oldRamsey Club each night?

A. I beg -- I beg your pardon. You say a trade?

Q. Well, whether they just were casual visits, but Americans dropped in each evening on their way over?

A. Well, that wouldn't be every night.

Q. Wouldn't be every night?

A. No, it wouldn't be every night.

Q. No. And did you know all these people, like Frank Cabello, and Carl Weize?

A. No, I didn't know those people.

Q. Youdidn't know those people?

A. No.

Q. Now, who were the people you knew who used to drop by your motel on their way over to the oldRamsey Clubregularly?

A. Well, I don't know anybody that used to stop off at my motel that used to

go to the Ramsey Club.

Q. Ha,hmm. Who were interested in this Hilltop Hotel? Your brother and yourself?

A. That is right.

Q. That is Louis?

A. Louis and Joseph.

Q. And Joseph?

A. Yes.

Q. And who actually operated it? I mean, who was there managing it --

A. Myself and my brother Louis.

Q. Yes. Now, you know,of course, that Niccoletti is presently charged in New York State with a gambling offence?

A. I read it in the papers.

Q. Yes. That is not the first time, either, is it, to your knowledge?

A. That is the first time I ever read it in the papers.

Q. Well, I am not asking you whether it is the first time you read it in the papers or not, but you know he had other offences and charges?

A. No.

Q. You didn't?

A. No.

Q. Now, what do you know about this old Ramsey Club?

A. Well, I was a member of it.

Q. You were a member of it?

A. Yes.

Q. You used to go there and play?

A. No, very, very -- well, I don't think I have been at the old Ramsey Club. I don't recall being up there.

THE COMMISSIONER: Q. I thought you said you were a member?

A. Yes. Well, I just went one time to sign in, and I was busy all summer, and I never bothered going up again.

Q. You went up some evening, you say, to sign in?

A. No. I went up there when they were signing applications, and I signed an application.

Q. Yes?

A. And that is all.

Q. Did you put up any money?

A. Yes, I paid $5.

Q. For what?

A. For an application foe.

Q. Yes. Never went back?

A. No.

Q. That is $5 thrown away, wasn't it?

A. Well, I was busy during the summer, my lord, and I was looking after my business, more or less.

Q. I see. And after the summer,

what? Was it still operating?

A. No, unfortunately the Provincial Police raided it, and the case dragged on for about two years, a year and a half, and that is the end of that.

Q. I see. That was the end of your $5?

A. That was the end of my $5.

Q. All right.

MR. WILSON: Q. Now, we have filed here as an exhibit, Exhibit 102, what has been termed the Ramsey brief.

A. Yes.

Q. Where certain people got together information to assist the Ontario Provincial Police in putting the old Ramsey Club out of business.

A. Mm,hmm.

Q. And do you know anything about that?

A. No, I don't.

Q. No. Well, at page 6 of that document it lists Ralph Agretti. Do you know him?

A. Oh, yes.

Q. How long have you known Ralph Agretti?

A. All my life.

Q. All your life?

A. Yes.

Q. And you know he was steward of the club?

A. Yes.

Q. And then Peter Sacco. You know him?

A. Oh, yes, I know him. Ihave known him all my life, sir.

Q. Well, good.

A. Yes.

Q. And Michael Paul - Paulo, I think it is.

A. Yes.

Q. You know him?

A. Yes, we all lived in the same neighbourhood when we were brought up.

Q. And Peter - Peter Mitchell. Did you know him?

A. Yes.

Q. And what did he do in the club?

A. I don't know.

Q. You don't know. And John Saccomie?

A. I know him, yes.

Q. You know him?

A. Yes.

Q. Now, it has this to say about you:

"Albert Iannuzzelli - Top

"Canadian boss and responsible

"for convincing the Americans
"that they could come to no
"harm as long as he was their
"local politician. Believe
"this fellow is smart enough not
"to be found on the premises
"as he is the holder of motel
"licences and the president of
"a finance company, whose charter
"was issued in his name by the
"Dominion of Canada. If you
"are lucky enough to find this
"person on the premises, you would
"be well advised to charge him
"as a keeper. In doing this he
"would advise his brother, who
"is sure to be on the premises,
"to plead guilty and thereby let
"Albert off by making a deal."

Now, what do you say about that brief biography of yourself?

A. I say that is ridiculous.

Q. Yes, but there is one thing that is accurate about it, you were very seldom on the premises?

A. That is right.

Q. Apart ---

THE COMMISSIONER: Q. Are you president of a finance company?

A. A finance company? I was

president, my lord, but it has been sold.

Q. What was the name of it?

A. Power City Finance.

MR. WILSON: Q. Yes; now ---

THE COMMISSIONER: Just a moment. When did it come into existence?

A. I don't remember. Maybe Mr. Wilson with his information could probably tell you. I can't.

Q. No, I am not asking Mr. Wilson, I am asking you.

A. You mean when I got the charter?

Q. Yes.

A. It was in the '50's, my lord. I don't remember the exact date.

Q. The early '50's?

A. I would say so, yes, my lord.

Q. And how much money did you put into it?

A. I would say close to $100,000.

Q. So, by 1950, you had $100,000?

A. Well, let's say that was when I got the charter.

Q. Well, you say that you got the charter in 1950?

A. I am not -- I am not clear. I am not clear about the date of the charter.

Q. Well, the early '50's?

A. We will say in the early '50's,

yes.

Q. All right, and you put $100,000 into it?

A. That is right. This money, my lord, was actually all borrowed.

Q. You borrowed $100,000?

A. I borrowed most of the $100,000.

Q. From whom?

A. Well, they were various people from Welland - Welland, Ontario.

Q. Yes?

A. I don't like to divulge their names, but if you want their names I could write them down.

Q. I don't want to know their names.

A. No, all right.

Q. You gave them some security, I suppose?

A. My motel, with the motel, the Clifton Hill, and I gave them the motel I had, the Plaza Motel.

Q. Where was it?

A. On Lundy's Lane, in Niagara Falls, Ontario.

Q. Yes. Well, then, you sold your interest in that finance company?

A. Yes, my lord.

Q. When?

A. I think it was last year. We

sold it to Industrial Acceptance, or Niagara Finance.

Q. All right.

MR. WILSON: Q. Now, Louis Lanuzzelli, that is your brother?

A. Yes.

Q. And he was a member of the old Ramsey Club?

C/4 A. Yes, he was.

Q. Now, it says this about your brother, in this exhibit, in 100:

"Brother of Albert. His job
"is to count the money and
"keep figures and see that the
"Canadian partners get their
"fair share of the profits.
"Therefore, any figures or papers
"found on this man should be
"compared with figures and
"papers found on the American
"top bosses, as both combinations
"must keep figures on their person."

Now, to your knowledge, did your brother Louis have anything to do with that operation?

A. No, he didn't.

Q. Now, why would these people enter your names, that is Louis and yourself, as being the principal Canadian keepers of this enterprise?

A. I have no idea.

Q. You have no idea?

A. I haven't any whatsoever.

Q. Now, you remember that this club was raided on August 18th, 1958, and that at the same time, as the raid was made on the club, they made a raid on your Hilltop Motel?

A. Yes.

Q. Now, in this brief that I am reading off - from Exhibit 100 - it is 102, it says here, at page 7:

"The motel safe — "

Speaking of the Hilltop Motel,

"The motel safe will contain
"balance of American money in
"the same sequence found on
"the accused man, along with
"dice, glass croupier sticks
"and other paraphernalia which
"you will have no trouble tying
"in with club operations. "

Now, that is the statement we find in the brief. Now, what would you say about that?

A. Well, I would say that there was no truth in that. They had the Provincial Police —

Q. Why would that appear in that? Now, would you say that would be absolutely wrong?

A. Yes, I would say that it is absolutely wrong.

Q. Yes. Now, let's look at what happened when the police went into your motel on August 18th, 1958. On Exhibit 100, and page 8, paragraph 8:

"At approximately 11:30 p.m.
"this date — "

and that date would be August 18th, 1958,

"— Provincial Constables
"MacDonald and Napolitano
"executed a search warrant
"under the provisions of
"Section 429cc at the Hilltop
"Cabins, 967 Clifton Hill,
"City of Niagara Falls, Ontario.
"The owner of the premises
"was suspected of being a
"principal in the operation of
"the Ramsey Club across the
"street. The name of the owner
"is Albert Lamanzelli. He
"was informed of the reasons for
"the search, and accordingly the
"office was searched. A box of
"tailor's chalk, and five dice
"were seized from these premises.
"The five dice bore the initials
"S.B.S., the same as the dice
"seized from the trap in the drain

"pipes at the club."

Now, stopping there, did they find this dice in your office?

A. They found cards, but they didn't find five dice.

Q. Oh, well, you are saying the officer who made the report and made the seizure is wrong, do you?

A. No, no, no, no. I am -- I am just telling you I think there was only one pair of dice, and they were in the desk drawer.

Q. Well, you are saying the officer is incorrectly reporting what he found?

A. Well, if I could say, sir, if you had the transcript of the case there, it would show how many dice were actually found on my premises, and what was produced as evidence, and if you have it I would be glad to hear it, because I am quite sure - now, I may be mistaken, but I am quite sure they only found one pair of dice, and they know they were not of the same calibre of dice that perhaps were found at the club.

Q. Well, if you want to have some evidence called before this Commission to refute this statement of this officer, you may do it.

A. Well, I have been trying to get a transcript.

Q. Proper evidence too.

A. I beg your pardon, sir? I have tried to get the transcript of that case, which I think would have clarified a lot of points. I would certainly have given it to you, Mr. Wilson, if I had it.

Q. If you have any proper evidence, you bring it to my attention.

A. Well, sir, I would imagine all the evidence pertaining to that case were recorded in the local magistrate's court.

Q. Well, until we get it in proper form --

A. All right.

Q. -- we will just deal with this.

A. All right, sir.

Q. Why would the dice seized in your office have the initials S.B.S.?

A. Well, I still don't know.

Q. You still don't know?

A. No. I don't think they had the same initials.

THE COMMISSIONER: Q. Where were they found in your premises?

A. In a desk drawer.

Q. In your office?

A. Yes.

Q. In your desk?

A. In my -- well, it is just -- my desk, yes, my lord.

MR. WILSON: Q. Now, the next paragraph —

THE COMMISSIONER: Q. Was the desk locked?

A. No, it was open.

Q. Oh, well, I know they eventually opened it and got it. Did you have a key to the desk?

A. No, no. You know the drawer that is in the middle.

Q. The centre drawer?

A. Yes, it could just be pulled out. Anybody could have pulled it out.

MR. WILSON: Q. And then it goes on in paragraph 8:

"Tailor's chalk is allegedly
"used to wax money used in the
"dice game. Most of the money
"seized from the Ramsey Club
"felt as if it might have wax
"on it. Further investigation
"into this will be taken by
"the Attorney-General's crime
"laboratory at Toronto. The
"serial numbers of $1,600
"American money recorded by
"the above officers would indicate
"the money in the safe at the office
"of the Hilltop cabins and the
"serial numbers of some of the

"money seized from the found-ins
"at the Ramsey Club are in very
"close sequence to this $1,600.
"Some of this money was bound
"by wrappers similar to the money
"wrappers found at the Ramsey
"Club."

Now, can you give any explanation as to why the moneys found in the club and the moneys found in your safe would have a sequence of that kind?

A. Well, sir, I don't know why the money from theclub was the same sequence as my money I had in the safe, but I do in the summer time go to the bank and get new money, andthey could be going to my bank. You could ask them that, and probably somebody, or some unknown person, went to the bank and right after me they got the same sequence of money. That could be easily what happened.

Q. What bank would they go to?

A. Well, I don't know. Any bank in Niagara Falls, New York. I needed American money in my business. I kept a large amount on hand.

Q. You say you kept $1,600 in your safe?

A. I kept more than that.

Q. More than that?

A. Yes, sir.

Q. Just for your day-to-day operation?

A. Yes, sir.

Q. How many units have you got there?

A. 32.

Q. 32, and what would be the total, if you were filled up? What would your total income be on any one day from the 32 units?

A. Close to a thousand dollars.

Q. Close to a thousand dollars. Do you charge as much as $30 a unit?

A. Not quite.

Q. No, I wouldn't think so.

A. No.

Q. And what would you charge? What is your highest charge for any of those units?

A. $24.

Q. $24. What is your lowest?

A. $18.50, in season. Of course, off-season they are --

Q. Yes. Well, it would at most run, say, $700, wouldn't it?

A. Yes, but then I have a restaurant and lunch counter and a gift shop in conjunction.

Q. Yes. And in order to meet the operations requirements you would carry more than $1,500 of American money?

c/5

A. On some days I carry more than that.

Q. Just to make change for your customers?

A. Yes, and sometimes they want to cash cheques, and so on. I have got to have the money.

Q. And you say this may be just a coincidence that the people -- your people went to the same bank on the American side that these people who were attending the old Ramsey went to get their money?

A. Well, I would say that something like that would have possibly - could possibly happen, yes.

Q. Yes. Well, that is the only explanation you have?

A. That is the only explanation I have.

THE COMMISSIONER: Q. You were not in the habit of going across the river to get American money, were you?

A. No. Sometimes I would go to my local bank and ask them if they would get me so much money in American money. If they didn't have it on hand I would go across the bridge and get it.

Q. So they wouldn't have new American money on hand?

A. At the bank?

Q. Yes.

A. Sometimes. If they didn't have the amount in old money, they would give you new money.

Q. Would they have new American money here?

A. At the American bank?

Q. No, the Canadian bank where you used to go?

A. You had to order it, and they would got it in new money.

Q. I see.

A. You see, my lord, you couldn't go in the bank and say I want $2,000 in American money,beca use they wouldn't have that on hand, because of the fluctuating discount rate, they got rid of it right away. You have to order it. They would order it, and when they got it they would call you up and say, come on down and get it.

Q. I see.

A. Yes.

MR. WILSON: Now, after the raid on August 19th, 1958, the Ramsey Club was out of operation for a while?

A. Quite some time,I think.

Q. Yes. Then it started up again about July of 1959 at 1648 Stanley?

A. I think. I don't know. I knew where it was on Stanley Street. I don't

know the number.

Q. Well, were you a member then, when it was operating at Stanley?

A. Yes, I was a member.

Q. You were a member there?

A. Yes.

Q. Were you an officer?

A. No.

Q. And the president there was Harold Edwards?

A. Yes. My lord, could I have a drink of water?

THE COMMISSIONER: Yes. Get the witness a drink of water, Mr. Registrar.

MR. WILSON: Q. You knew who Harold Edwards was? You knew his relationship to Niccoletti?

A. No, I didn't.

Q. You didn't?

A. No, I didn't know his relationship.

Q. Well, I thought you knew all those people pretty well. Wasn't he a brother-in-law?

A. I think, Mr. Wilson, you recall that I said Niccoletti.

Q. But you didn't know Harold Edwards?

A. No, I didn't.

THE COMMISSIONER: Q. But you knew he

was president, you said?

A. No, no. I said that, my lord, I said that he - I told Mr. Wilson that - I told him I knew Niccoletti.

Q. No, no,no. Mr. Reporter, will you go back - I may be entirely mistaken, but I think the witness said that he knew Edwards was president?

A. Well, yes, that I knew he was president in this respect, my lord, that on the wall there were cards who the officers were.

THE COMMISSIONER: All right. No matter how you knew it, you knew he was president?

A. Yes, my lord.

MR. WILSON: Q. Did you attend at the new address on Stanley Avenue, or were you -

A. You mean, if I was attending?

Q. Yes, from time to time.

A. Yes, I was in there occasionally.

Q. Yes. And were you participating in the bank game there? Did you play at all?

A. I never gamble.

Q. Oh, you never gamble?

A. No.

Q. What did you do when you went

there?

A. Oh, I would sit down and watch television, chat with different people, watch them play gin rummy.

Q. You were not one of those persons who were a compulsive attendant at a gambling resort, is that right?

A. Well, I was not compulsive.

Q. Not compulsive?

A. No, I was there maybe a dozen times at the most.

Q. Yes. Just to go and watch?

A. Well, just to get away from home sometimes.

Q. Yes. Now, you have had some work done by a legal firm of Fleming, Harris, Karwin, Barr, and Hildebrand?

A. Well, Mr. ---

Q. By Mr. Fleming of that firm?

A. Yes, Mr. Fleming was - had been my lawyer for many years.

Q. Well, now, a letter dated August 24th, 1959, is brought to my attention, by that firm to the Unemployment Insurance Commission, in which Mr. Fleming says that they would appreciate if the Commission would review the situation and advise Mr. Lanuzzelli - Albert Lanuzzelli accordingly. Now, the letter - do you have the letter, as I

think it would be much better. Let's have the letter, and we will just let the witness see it.

A. I will take your word for it now.

Q. Oh, no, I would much rather that you looked at it.

A. Sure.

Q. I want to ask a question or two about it.

A. All right, sure.

Q. Well, while Mr. Carty - oh, have you got it? Do you know the firm of Holm, Smiley and Company?

A. I think, sir, the name - correction - it is Howe, Smiley and Company.

Q. Howe, Smiley and Company?

A. Yes.

Q. Who are they?

A. They are chartered accountants.

Q. Yes. Well, I show you a letter - or copy of a letter of August 24th, 1959 to the Howe, Smiley and Company -- to Fleming from Howe, to the attention of S.H. Fleming:

"Re: Ramsey Club:

" We enclose herewith copies "of letters received from "Unemployment Insurance Commission "concerning Ralph Agretti.

" We would appreciate
"it if you would review this
"situation and advise Mr.
"Albert Iannuzzelli accordingly."

A. (Examines letter) - Well, if I recall correctly ---

THE COMMISSIONER: Let me see that, please.

MR. WILSON: Q. Now, who were Howe, Bailey and Company acting for? You?

A. Well, I think they were acting on behalf of the Ramsey Club.

Q. On behalf of the Ramsey Club?

A. Yes. They were chartered - from my understanding, they were the chartered accountants for them.

Q. Do you want me to bring them over, or can you just give us the facts now?

A. Well, I ---

Q. Did you instruct them to do this, to try and get Ralph Agretti covered by unemployment insurance?

A. Well, I was going to - I think my memory serves me correctly. I think Mr. Agretti was trying to get unemployment insurance.

Q. Yes?

A. And he came to me, and asked me how to go about it, and I said the best thing for you to do is go see the club, the

chartered accountant. So he went down there, and I don't know what transpired, and then I took Mr. Agretti down to the unemployment office to - to see the head of the unemployment office in regards to him getting unemployment, and perhaps that is how that all came about.

Q. And was this in connection with his employment at the new or the old?

A. I think it was the old Ramsey Club. I don't know.

Q. Are you suggesting that a year later you would be carrying on, or having Howe, Smilgy carry on this correspondence?

A. Well, I don't -- I don't know what transpired in that correspondence. The only thing I know that I recall bringing Ralph Agretti down to the unemployment insurance, trying to get unemployment.

THE COMMISSIONER: We better recess for ten minutes. Maybe you can get that straightened out.

---A short recess.

(Page 11217 follows)

/FTP/1

---On resuming:

MR. WILSON: Q. I have read over the correspondence and it is clear that an attempt was being made to qualify Ralph Agretti, the steward at the Ramsay Club, under the unemployment insurance legislation, and the result of it was unfavourable and you were to be informed of the fact that it was unfavourable. Now, what was your concern with Ralph Agretti's relationship to the Unemployment Insurance legislation?

A. Well, sir, none whatsoever. I mean, I have a lot of people come to me and ask if I would go different places to do them favours, not because I know people or anything. For instance, take a lot of Italian immigrants who cannot speak very good English, they ask me perhaps to go down to the bank and explain something, or down the City Hall, and that would be the similar case to this here.

Q. You say it had nothing to do with any possible interest that you had in the new Ramsay Club?

A. No, I never had any interest in the new Ramsay Club.

Q. To your knowledge, who ran the game at the new Ramsay Club?

A. I have never seen a game when I

was there.

THE COMMISSIONER: Who to your knowledge ran it?

A. I don't know if there was one, my lord. I mean, I don't know who ran it if there was a game.

MR. WILSON: Who to your knowledge ran the game at the old Ramsay Club?

A. I don't know. I was never in the old Ramsay Club outside of the ---

Q. The once?

A. The once when I went inside.

Q. But you were in the new Ramsay, you say, about a dozen times?

A. Yes.

Q. And were they the same people there as had been operating the old Ramsay Club?

A. I would say most of them, yes.

Q. Were there any newcomers?

A. It is pretty hard to say. I suppose there were, yes.

THE COMMISSIONER: Who were they?

A. I don't know, my lord.

MR. WILSON: Q. Now, on May 5th, 1960, you were on the premises of the Ramsay Club when the O.P.P. came in, weren't you?

A. You mean the night that the Ramsay Club was raided, sir?

Q. No -- it was a raid, yes.

A. What date, sir?

Q. May 5th, 1960.

A. I presume I was if that is the information the police gave you.

Q. The evidence of Constable Moore on page 8401 is to the effect that youwere there, and when he asked you for your name you refused to give it. Does that bring it back to your memory?

A. Yes, that is quite clear.

Q. Good, that is quite clear. Then perhaps you will tell us how you were identified, who told the officer who you were?

A. If I recall correctly, what happened there, Mr. Wilson, I was in my office at the motel and there was a phone call come through that they wanted to know if a local lawyer was there -- I have the name, but I would just as soon withhold it and give it to you.

THE COMMISSIONER: Some local lawyer?

A. Yes, and I said he was, and he said, "Well, would you send him up to the club? The police are here." I said, "What club?", and he told me the Hamway Club. So I said, "Well, here, talk to the lawyer." So he talked. I said,"Where are you going?", I asked this lawyer. He said, "Up to the club." I said, "If you wait

a few minutes, I'm going there and I will go along with you."

So we both went out. When we got in the door I think Moore rushed right at me and asked me, "What isyour name?" I said, "What do you want my name for? I didn't do anything. I just come here with the lawyer." He started to get kind of indignant and I said, "If you think I have done anything wrong, charge me with something, when I will give you my name", and that was the conversation. But later on I gave him my name, I think I did. I don't recall this ---

MR. WILSON: Q. No, I think the officer said that Sid Ross gave him your name.

A. Probably he did, I don't tknow.

Q. You know Sid Ross?

A. Yes, I know Sid Ross.

Q. He was what, a steward there?

A. I think he was.

Q. You don't think, you know?

A. Well, his name was on the board that he was steward.

Q. And so you think maybe he was steward?

A. Well, he was steward.

Q. All right. Sid Ross had not been at the old Ramsay Club, had he?

A. Well, I don't know.

Q. Did you ever see him in the old

Ramsay Club?

A. I was never in the old Ramsay Club, just the once.

Q. Let us keep the story straight.

A. All right.

Q. Did you ever go to the Frontier Club in Bertie Township?

A. No, I was never in the Frontier Club in Bertie Township.

Q. Do you know Sammy Balsom?

A. I know ofhim.

Q. Did you ever meet him?

A. No. You mean, did I ever meet him, been introduced to him?

Q. Yes.

A. I met around the Centre in Niagara Falls, yes, I was never introduced. You don't introduce, you just say "hello", start talking, and you strike up an acquaintance.

Q. We have had some evidence here that former Constable Wright told Constable Scott of the O.P.P. that you paid Balsom a hundred dollars for protection for the Ramsay Club from the Anti-Gambling Squad. What do you say as to that?

A. I say it is a lie.

Q. You say it is a lie, so that when you rushed down on May 5th, 1960, to that club with the lawyer, it was just curiosity, I suppose?

A. Well, no, it wasn't curiosity, if that is what -- I know what you are inferring to, but let us put it this way. This lawyer comes to my establishment practically every night. He was there last night.

Q. What has that got to do with your rushing down to the club with him?

A. I just said, "I will come along with you", that is all.

THE COMMISSIONER: Write his name down, please.

MR. WILSON: Did you ever purchase anything for the club?

A. Well, I mighthave. I don't know, I don't think so. I might have sold them some.

Q. What would you have sold them?

A. Well, if I recall, I think I sold them a rubber mat or something. Somebody came to me and asked me if I had any rubber mats, because I had got them in the kitchen of the restaurant so the cooks don't slip. I had some on hand and I must have sold them something like that.

Q. So this cheque of February 17th, 1960, drawn on the Royal Bank of Canada by the Ramsay Club, per Ralph Agretti, in favour of yourself for $44.50, "Re rubber matting", would be payment for the rubber matting?

A. Well, if that is what it says,

that is what it is.

Q. So just as a friend who went there to look at the boys gambling, you would sell them some rubber matting they needed for their operation?

A. Well, I had some on hand, yes. I would sell them. I sell different stuff that I don't need around the motel.

Q. I think that is all. The name of that solicitor is in evidence already, Mr. Commissioner.

EXAMINED BY MR. NOGG:

Q. We have heard, Mr. Iannuzzelli, that your net worth in, was it 1951, was some $200,000 declared?

A. I don't know. If that is on the records,then that is what it must be.

Q. I take it that would have been acquired not since 1940 but since 1945 when you got out of the Army?

A. In that time, yes.

Q. In that period of five, six years?

A. Mind you, sir, that money was not all mine. It was borrowed money but, yes, it was acquired.

THE COMMISSIONER: Wasn't all yours, it was borrowed?

A. No, my assets, I don't know if he is referring to the $100,000 ---

Q. No, no.

A. I am sorry, my lord. I didn't get the question.

Q. Your net worth.

A. My net worth? Yes, if that is what it says, that is what I was worth.

Q. So you acquired that in five years?

A. Five years.

MR. HOGG: Q. That is what you have declared. Was there anything in addition to that?

A. I wouldn't know. I haven't the records at my hand, sir.

Q. This finance company, had Benjamin Nicoletti an interest in that with you?

A. Yes, he had.

Q. A photograph has been introduced as Exhibit 261.

A. I don't have to see. I know the man quite well.

THE COMMISSIONER: What was his interest?

A. About fifteen per cent.

MR. HOGG: About? It was fifteen per cent?

A. It was fifteen per cent.

Q. Who else was ---

A. May I keep it private and give the

names to my lord?

THE COMMISSIONER: Yes.

A. I have them written here, my lord.

Q. You came prepared?

A. Well, I figured I was going to be asked so I thought I would write them down to save a lot of people embarrassment. The names of the last three were the officers. This gentleman, this is his first name.

Q. First name?

A. Yes.

MR. HOGG: I would like to compare that with the information that I have, if I may, Mr. Commissioner.

THE COMMISSIONER: Do you want to see this?

MR.HOGG: Yes, if I may.

Q. Nicoletti was in this company with you from the beginning?

A. Very beginning.

Q. I am going to read to you from Exhibit No. 102, the Ramsay brief at the top of page 5:

"Benjamin Nicoletti, American-- top
"Mafia boss. lengthy record and if
"charged will abscond bail. Will
"be found in main clubroom. Usually
"sits on ladder overlooking crap
"game."

How long have you known Nicoletti?

A. I say ever since we were youngsters.

Q. So you would know about his background?

D/2

A. Well, sir, it is pretty hard. You can chum around with a man a long time but he doesn't disclose ---

THE COMMISSIONER: Did you know his background?

A. No, I didn't, my lord, I didn't know his background.

Q. You didn't?

A. No, I didn't.

MR. HOGG: Q. To your knowledge had he gone to jail?

A. No, I did never know he went to jail.

Q. Did you know anything ---

A. What I read in the papers, yes.

Q. Do you know now? Have you made some enquiries since this Commission started and found out what----

A. I had no cause to make enquiries into other people's lives.

Q. So your testimony now is you don't know whether or not he has gone to jail in the States?

THE COMMISSIONER: He says he knows it now.

A. I know it now.

MR. HOGG: Q. You know it now?

A. Yes, I said that.

Q. That he has gone to jail?

A. Apparently, I read it in the papers that he has, yes. It must be true.

Q. Now, we have heard in connection with another matter that when you are going to have a finance company some statements as to character have to be forwarded to the Registrar of Insurance. In this case who did you get references from?

A. Well, sir, when I made application for a finance company, as you are well aware, I think you are a lawyer and most of these law firms, they get the charter for you and then transfer it over to you. That is the way that finance company had been acquired. The law firm of Martin, Calvert, Shepherd & Matthews, I think, were the ones that acquired the finance company charter for me.

Q. Witness, your answer has nothing to do with my question at all.

A. I wasn't asked to produce any character as to -- what the character of a man had to be, I don't think so. I wasn't asked.

Q. Who wrote letters on your behalf?

A. May I have a piece of paper, my lord? I can point to the name on that ---

THE COMMISSIONER: The second name on this list.

MR. HOGG: My lord, is there any reason

why I cannot suggest the name of this company at this point to the witness?

THE COMMISSIONER: The finance company?

MR. HOGG: Yes.

THE COMMISSIONER: He has given the name of it, hasn't he?

THE WITNESS: It is the Power City Finance.

MR. HOGG: Power City?

A. Yes.

THE COMMISSIONER: And that man gave a character reference of some kind?

A. He gave me a character.

Q. On your behalf?

A. On my behalf.

Q. Who gave one for Nicoletti?

A. I wasn't asked for any other character reference, my lord. I don't recall anyway.

MR. HOGG: I ask, Mr. Commissioner, whether there is a file of this company similar to the one on Simple Finance.

MR. WILSON: No, but we will have the information for you in a few minutes.

MR. HOGG: Q. Now, where did the money come from, the $100,000?

A. Well, as I suggested ---

THE COMMISSIONER: That is what you put into it?

A. Yes.

Q. Personally?

A. Yes, my lord.

MR. MOGG: Q. That was your personal money?

A. Through loans made on my properties.

Q. Is that mortgages you raised?

A. Mortgages.

Q. That you raised money?

A. Yes.

Q. Did all the money come from mortgages raised on your property or was some in the form of liquid cash?

A. I believe it all came from mortgages. My lord, do you want the name ---

THE COMMISSIONER: Did any of those other people put up any money?

A. Yes, they did. I could give you the amount of percentage if you wish.

MR. MOGG: The witness, I believe, wrote down the name of the person who wrote a letter on his behalf. Mr. Wilson would like to see it.

THE COMMISSIONER: He has pointed to the second name on the list.

Q. How much cash went into the treasury of that company?

A. I really offhand can't recall. I would have to go to ---

Q. You put up $100,000?

A. I didn't put it all in. I think we put up approximately seventy-five, something like that.

Q. I thought you had been telling me that you put up $100,000 into it?

A. Well, through organization and everything it came to about $100,000.

Q. What do you mean, "through organization"?

A. I mean, when I say "organization", I mean getting the premises ---

Q. Speak louder.

A. Yes, acquiring the office space and legal fees and so on.

Q. That was paid by the company, I suppose?

A. Yes.

Q. The rent and legal fees?

A. Yes.

Q. Government fees?

A. Yes.

Q. But you put up $100,000 yourself?

A. I would say that I did. Now, I couldn't tell you right offhand. I would have to check into the records and it would tell how much money I actually put in.

Q. How much went into the treasury of this company? Your $100,000 went in and how much more?

A. The whole total company was $100,000 assets and then we borrowed money from the bank besides that.

Q. I see, so that originally you put

up all the money?

A. Yes -- no, these people put up part of their money.

Q. I don't understand.

MR. HOGG: Q. How much did Benjamin Nicoletti put up?

A. Fifteen per cent of $100,000 would be fifteen --- Wait a minute. No, may I make a correct, my lord?

THE COMMISSIONER: Yes?

A. We put up $50,000.

Q. Who is "we"?

A. My brothers and I, we put up $50,000.

Q. Yes?

A. Then we went to the bank to borrow money and they said we didn't have enough assets, so we went out ---

Q. Who went to the bank?

A. My brothers and I.

Q. Yes?

A. We went out and borrowed the additional money and we loaned this additional money to the finance company. You see, we went out and borrowed it personally and then in addition we loaned it to the finance company.

Q. Yes, so that the finance company then had capital assets of $50,000?

A. Yes.

Q. It had another $50,000 for which

it was liable?

A. Approximately $50,000. I will say this because really if I tell you any other -- unless I look at the records I could tell you -- approximately $50,000 went in there as a loan to the finance company which they in turn ---

Q. From you and your three brothers?

A. From us three brothers, which we borrowed from private sources. Then in this particular case the finance company was paying us interest on our money that we borrowed, plus we went to thebank and we borrowed additional money to carry on the business.

Q. How much?

A. I think it was around $146,000, $150,000. I can't remember correctly, I don't know the correct figures.

Q. The company made this additional bobrowing from the bank?

A. Yes.

Q. How much did Nicoletti put in?

A. I don't know. I know that he had ---

MR. HOGG: Q. I suggest to you he didn't put in a cent?

A. Oh, no, no.

Q. No?

A. No.

THE COMMISSIONER: How much did he put in?

A. He had fifteen per cent.

Q. Fifteen per cent of what?

A. Of the finance company, fifteen per cent of the shares.

MR. HOGG: Q. How much money did he put in?

A. No, I mean, it all shows in my books.

Q. Are you suggesting that he put in fifteen per cent of the money?

A. No.

Q. No.

A. I really would have to see the books to answer the question.

THE COMMISSIONER: Where are the books?

A. Well, they would be -- I could get it from the lawyers.

Q. The lawyers have the books?

A. Well, we do most of our -- when we have a transfer ---

Q. Speak up.

A. My lord, we leave them there just in case we have to refer to them. The law firm of Matthews & Matthews has, I think, part of our books, and if not we can produce them.

Q. Have you sold this company to the ---

A. Industrial -- I think it is Niagara Finance.

Q. Niagara Finance?

A. Yes.

Q. Did they buy the shares in the company or did they buy the assets of the company?

A. They bought -- I think they bought the assets, the assets and all the loans that were made, you know. Like, people come and make loans, they give you so much.

Q. Yes, accounts receivable.

A. Yes, that was it.

Q. Niagara Finance bought it then?

A. They bought it.

Q. Then was the Power Finance wound up?

A. It was wound up.

Q. It was wound up, so that your lawyers would keep your books?

A. Yes.

Q. And the books would show how much Nicoletti put up in cash?

A. It would show on the final disbursements, yes.

MR. HOGG: Q. That is what he got out of it. I am talking about what he put into it.

A. Are you suggesting that he didn't put anything in? I am telling you he did put money in.

THE COMMISSIONER: I want to know how much.

A. My lord, I really couldn't tell you at this particular time. I think it was either -- I would have to figure it out.

MR. HOGG: Q. I am not talking about in cash, just in percentage. Would he put up fifteen per cent?

A. Let me figure it out, please.

THE COMMISSIONER: He is pretty good at figures.

A. Good gracious.

MR. HOGG: Yes, I would think so.

THE WITNESS: Seventy-five hundred.

MR. HOGG: Q. Cash?

A. Cash.

Q. Now, this other man ---

THE COMMISSIONER: Fifteen per cent of the fifty thousand?

A. Of the $50,000.

Q. Did one of those men who were in this venture sit on the Police Commission, on a Police Commission?

A. My lord, I would like to answer that question but I don't see ---

THE COMMISSIONER: Just a minute. Supposing he is, what about it?

D/3 MR. HOGG: I would think that would be a rather odd circumstance, my lord.

THE COMMISSIONER: Is a man on the Police Commission not entitled to do business? He may be in bad company.

MR. HOGG: When you are associated with ---

THE COMMISSIONER: Is that your point, that he is in bad company?

MR. HOGG: Yes.

MR. ROSE: Of course, Mr. Commissioner, Mr. Hogg says "Yes", but there is no evidence before us here that anybody associates with Mr. Albert Iannuzzelli that is in bad company. I haven't heard that evidence.

THE COMMISSIONER: Nicoletti was not an angel.

MR. ROSE: We are not talking of Nicoletti, but of Mr. Iannuzzelli.

THE COMMISSIONER: We are talking about the man on the Police Commission being a director of Mr. Nicoletti.

MR. ROSE: Of course, Mr. Hogg is saying "yes". If he is referring to Nicoletti, that is one thing, but it is whom he is referring to. If he is referring to this witness ---

THE COMMISSIONER: It is obvious what he is referring to.

MR. HOGG: My next question, my lord, is going to be of this witness: Did this man put a cent into the business?

A. He did.

Q. He did?

A. He did put money in.

Q. Where did his interest go after the company wound up?

A. To his successors.

Q. His estate?

A. Yes.

[illegible]

Q. No question in your mind that he actually put cash into this?

A. There is no question in my mind.

THE COMMISSIONER: Speak up.

MR. HOGG: Q. And that would reflect in the documents, would it?

A. Yes. I am sorry, my lord.

MR. HOGG: I have a few questions on this area, my lord, but Mr. Wilson is preparing some documents on it, and I think it might be of more assistance if they were postponed, perhaps.

THE COMMISSIONER: Have you anything to go right on with?

MR. HOGG: Apart from this, yes, I can go on to another area.

THE COMMISSIONER: Go on.

MR. HOGG: Q. Do you know "Big Bill Montana"?

A. Whom?

Q. Montana?

A. Never heard of the man.

Q. What was the tailor's chalk doing in your office?

A. Well, sir, we have two tailor establishments and dry cleaning establishments.

Q. Yes?

A. And sometimes a salesman may drop around and he wanted you to buy his particular brand, and that is the way that perhaps that

chalk was found on my premises.

Q. Was it in your safe?

A. No.

Q. In your office?

A. It was in my office drawer. The only things in my safe is money.

Q. Talking about the money, from what bank were you ordering -- Canadian bank were you ordering amounts of $2,000 in cash?

A. Bank of Montreal.

THE COMMISSIONER: American currency.

MR. HOGG: American.

A. The Bank of Montreal.

Q. You have done that on numerous occasions?

A. I wasn't ordering American money. I would go to the bank and tell them I want so much money in American. If they have it in the bank they would give it to me. If they didn't have it in old bills they would order it, and when you order it you get new money.

Q. On a number of occasions you ordered from a Canadian bank amounts of $2,000 in American money?

A. Sometimes more, sometimes less.

Q. On a number of occasions?

A. On a number of occasions.

Q. And this was for your running expense?

A. Running what?

Q. I gather, your motel?

A. Yes.

Q. I would have thought you would be taking money in from customers, not paying out?

A. When you open up a store you have got to have change to make for the customers, I presume.

THE COMMISSIONER: I suppose a large part of your business at the motel is with Americans?

A. Ninety-nine per cent, my lord.

MR. HOGG: Q. Had Feeley and McDermott ever come to stay at that motel?

A. That's right.

Q. Do you know them?

A. Yes, they are casual acquaintances, that is how I know them.

Q. How did you happen to meet them?

A. I think on one occasion they came down there and they wanted to buy a motel. The reason I am hesitating, I am waiting for him --- Is it all right? On several occasions they come down and wanted to buy a motel and have asked me what motels were good and what were bad in the areas. Now, they didn't come specifically to see me. I used to see him hanging around down the Centre in Niagara Falls.

THE COMMISSIONER: Down the Centre?

A. Yes, that is a little part of Niagara Falls that is called the Centre. You see, Niagara Falls really used to be three villages and it was incorporated -- Clifton, Niagara Falls and Drummondville. Clifton ---

Q. I know Niagara Falls in a very general way. Where is the Centre?

A. The Centre is right there ---

Q. Right around your motel area?

A. Yes, right in that area.

Q. You used to see them hanging around there?

A. I saw them on a couple of occasions and some of these men -- I told them I had a motel and they came over and asked me what I thought about different motels and they wanted to buy a motel. So all I could do is give them the information that I could possibly give. It was not professional information or anything, just general information.

Q. When was this?

A. It is quite some time ago. I would say six or seven years ago.

MR. HOGG: Q. They were enquiring around about who was at the club, weren't they, at the old Ramsay?

A. They were enquiring around?

Q. Yes.

A. I wouldn't know that, I wouldn't know if they were. They didn't ask me.

Q. Didn't they ask people in your presence? Were they enquiring who was at the club, where they were coming from -- "What about these Americans?"

A. No, they were not enquiring in my presence, no.

Q. Just came over and asked your opinion of purchasing a motel?

A. I didn't say that.

THE COMMISSIONER: In the course of their attendance in Niagara Falls, they asked you about motels?

A. Yes.

MR. HOGG: Q. Were they interested in the Fallsway Motel or Hotel?

A. At the time, I think, that they came down, the Fallsway was never -- wasn't up or built yet.

Q. Were you interested in it?

A. Not me, my younger brother.

Q. McGrmott and Feeley were, weren't they?

A. In what, in the Fallsway?

Q. Yes.

A. Oh, no. I am sorry, you aren't ---

Q. I don't mean they acquired an interest, but they were discussing with you acquiring an interest?

A. In the Fallsway?

Q. Yes.

A. No, I am afraid they wouldn't be able to get in there.

Q. Why not?

A. Because the shares are not for sale.

Q. Do you know who owns the premises at 1648 Stanley Avenue?

A. Would you be more specific as to what is at 1648 Stanley Avenue?

Q. The new Ramsay Club?

A. Where the new Ramsay Club was?

Q. Yes.

A. Yes, my cousin.

Q. Meyer Del Buon?

A. Yes.

Q. Were you in business activity with him?

A. No, but any time he has got problems he discusses them with me.

Q. To your knowledge did Nicoletti have any job?

A. To my knowledge, no, he didn't have any job.

Q. You would know that, having grown up with him, an old friend. You would naturally ask him what he was doing. He had no job?

A. I think if you remember that I said that he was in business.

THE COMMISSIONER: Several businesses. He is the man that had the laundry, gas station and the motel?

A. That is right.

MR. HOGG: Gift shop was one of them.

A. Yes.

THE COMMISSIONER: All in New York State?

A. In Niagara Falls, New York, yes.

MR. HOGG: Q. Do you know the Carousel Florists in Niagara Falls, New York?

A. Yes, bought flowers there many times.

Q. Who runs that?

A. Dominic Mantel.

Q. Have you known him a long time?

A. I have known him a long time, yes.

MR. HOGG: That is all the questions I have at this time, Mr. Commissioner. I understand Mr. Wilson is obtaining some documents in connection with this loan company, and I would like to have the opportunity to question this man perhaps after the recess.

MR. WILSON: Maybe after the recess.

THE COMMISSIONER: I have an appointment that requires me to adjourn now until, we will say, 2.15.

---Whereupon the hearing adjourned at 12.30 p.m. until 2.15 p.m.

(Page 11245 follows)

A/1/20'N

---Upon resuming at 2:30 p.m.

---The witness, Albert Iannuzzelli resumes the stand.

MR. HOGG: Q. Witness, as a member of the Ramsey Club, do you know what the objects of the club to be? The objects of the club were?

A. I think the objectives of the club, from what I understand, were for hunting, fishing, etectera.

Q. Did anybody take part in any hunting and fishing that you know of?

THE COMMISSIONER: Oh, what is the use of wasting time on that? Hunting for what and fishing for what?

MR. HOGG: Q. By-law 32 was passed on July 27th, 1959, changing the head office to Niagara Falls. Do you know anything about that?

A. Would you repeat that, I am sorry?

Q. Apparently on July 27th, 1959, by-law 32 was passed, changing the head office from Room 9, 32 Jarvis, to Niagara Falls. Did you take any part in that meeting?

A. I could have, yes. I don't know. It has been so long.

Q. Did you take part in any of the meetings of the club?

A. I might, on occasions I was there. I can't specify the date. If you have information to that effect, I was there.

Q. Do you know how this charter was obtained?

A. No, I have no idea.

Q. You took no part in the discussions of the obtaining of the charter?

A. No.

Q. What about Frank Muscatto? Is he known to you?

A. Yes, I know Frank Muscatto.

Q. Was he always stationed in the cubicle at the front door of the new Ramsey Club?

A. Was he always stationed ---

THE COMMISSIONER: Q. Don't ask questions, answer them.

A. Yes, my Lord.

MR. HOGG: Q. You told us you had been there at least twelve times.

THE COMMISSIONER: Let him answer.

MR. HOGG: Let him answer.

THE WITNESS: Give me time to answer. When I went there, I didn't see Frank Muscatto in the cubicle of the club, as you are trying to tell me.

MR. HOGG: Q. Where was he?

A. I don't know.

Q. The Power City Finance Company,

who did they loan money to?

A. Anybody who could qualify for small loans under the Small Loans Act.

Q. Was any loans made to these coin operators, coin machine operators and distributors?

A. Not that I know of. We considered them bad risks, anyway.

Q. In 1960, were you present on a number of occasions when the police raided the Ramsey Club?

A. I could have been there in the amount of times mentioned there, and the police might have been there, yes, when I was there.

Q. You would recall whether you were there when a raid took place?

A. I can only recall twice, when Sergeant Anderson was there and Sergeant Moore was there.

Q. Was there any advance warning of these raids?

A. Not to my knowledge.

Q. What about Samuel Hersch or Ginsey? Do you know him?

A. I have seen him around Niagara Falls, yes, but I don't know him. I never made his acquaintance.

Q. Was he at the Ramsey Club when you were there?

A. I think on one or two occasions I saw him there, yes.

THE COMMISSIONER: Q. What was he doing?

A. Well, he was sitting down at the time, my lord.

Q. I know. Sitting down, doing what?

A. Just sitting down. A lot of people sit down when they go to the club and perhaps read the paper.

Q. I see.

A. Sitting down, that is about all.

MR. HOGG: Q. He wasn't there on several occasions?

A. Not when I was there, no.

Q. What about Felix Borelli?

A. I seen him a few times when I was there, yes.

MR. HOGG: Mr. Commissioner, these are all the questions I have of this witness at this time. I am informed by Mr. Wilson this material on the Finance Company is not yet available. I would request an opportunity to look through it, as Mr. Wilson has indicated I can, when it is available; and if it appears relevant, I would like tobe allowed to continue examination of this witness on that material.

THE COMMISSIONER: I think we should

get the names of those who were the original directors into the record.

MR. HOGG: I have certainly no objection to that.

THE COMMISSIONER: All I have is a slip of paper. There is nothing in the record.

Q. These are the original incorporators, are they?

A. Besides what the lawyer ---

Q. Speak up.

A. When they incorporated the club, when the lawyers for the Power City Finance incorporated the Power City Finance, they used their own officers.

Q. Yes, I know.

A. Yes, and from there on ---

Q. Actually the moving spirits in it were these people?

A. Yes, my lord.

Q. I see. Well, all right. I think they should go into the record, and they are Patrick D. DiCicco?

A. Yes.

Q. And the next man, is that William?

A. Yes, William. Does his name have to appear, my lord?

Q. Yes. I don't see any reason why not.

A. The man is deceased. I don't see any reason for dragging him into this.

Q. A lot of people, unfortunately, die. William L. Houck.

A. Yes.

Q. Benny Niccoletti?

A. Yes.

Q. And Albert Iannuzzelli, Louis Iannuzzelli and Joseph Iannuzzelli.

MR. HOOD: Just so the record is put straight, since the names are out, I understood the witness to say Benjamin Niccoletti had 15 per cent. William Houck, 5 per cent. Pat D. DiCicco 5 per cent.

Q. And you held the remainder?

A. Yes.

Q. And did I understand you, witness, to say that it was Bill Houck who wrote the letter for you, although he was one of the parties who was interested in the business?

A. Let me explain it this way, sir. I went to Martin,Calvert and Matthews to make an applicatiou for a finance company, and they did. I had a little difficulty and I asked Mr. Houck to introduce me to the Superintendent of Insurance, which is a Mr. MacGregor, and in that regard you can check with Mr. MacGregor. I sat in his office and explained to him why. He didn't want to

give me the licence at first.

THE COMMISSIONER: Q. You mean he explained to you why?

A. Yes, he explained to me why he didn't want to give me the licence, and he said to me the reason the licence couldn't be granted is that we had insufficient knowledge of finance. I assured him we would get people who knew finance that would run the finance company and set it up

AA/2 property, according to the Small Loans Act, and when he was satisfied with that, then he gave me the licence. There was no influence of any outsiders or anything. And that can be checked with Mr. MacGregor up at the Insurance office in Ottawa.

THE COMMISSIONER: Q. There were no letters of recommendation written by anybody, or were there?

A. I can't recall. I don't think so, my lord.

MR. HOOG: Q. Who was William Houck?

A. He was the Member of Parliament and the Mayor of Niagara Falls on occasions, Federal, Provincial and also he was the Liberal Member of Parliament, incidentally, Mr. Stanton (sic).

Q. I am aware of that.

A. Okay.

THE COMMISSIONER: Q. Did you get someone connected with the company that understood finance?

A. Yes, I did.

Q. Who was that?

AA/2 A. Mr. DiCiocco with Beneficial, and he was manager.

Q. Where did he live?

A. Niagara Falls.

Q. When he was with Beneficial Finance?

A. Yes, my lord.

Q. Did he leave Beneficial Finance and go with your company?

A. Mr. DiCiocco left Beneficial, according to the story he told me, they wanted to send him out of town and he didn't want to leave his family, so he decided to quite Beneficial Finance.

Q. He severed connections with Beneficial and went with your company?

A. No, he was working on another job. He worked for the Thorold Paper Mill. When I set up the finance company, I knew he was available and I asked him to come in with me.

Q. He severed his connection with Beneficial before, and had taken another job, before he came with you?

A. Yes, my lord.

THE COMMISSIONER: I see. Mr. Rose?

EXAMINED BY MR. ROSE:

Q. Yes. Mr. Iannuzzelli, it was in August of 1958 that the Provincial Police came into your motel. That would be the Hilltop Motel, would it not?

A. Yes, Mr. Rose.

Q. And I believe you were telling us earlier that as far as you recall, there was one set of dice seized?

A. I believe so, yes.

Q. And that was in the drawer of the desk?

A. In the drawer, yes. The middle drawer.

Q. Can you tell me what colour those dice were?

A. I presume they were white.

THE COMMISSIONER: Q. Don't presume anything.

A. I am sorry, my lord.

MR. ROSE: Q. Do you recall what colour those dice were?

A. To be truthful, I can't recall that.

Q. Do you recall how they happened to get into your drawer?

A. No, sir.

Q. Have you any idea how long they were there?

A. Oh, they could be there for a year or two.

THE COMMISSIONER: Q. Do you know?

A. They were there a long time, I can assure you of that, my lord. I don't know the length of time, but they were there a long time.

Q. How would you know how they got there in the first place?

A. I can't answer that question truthfully and say I put them there or somebody else put them there. I don't know.

MR. ROSE: Q. You said you were at the Ramsey Club on one occasion, only, and that is when you signed your application. Do you know from any other sources the colour of the dice that were invariably used at the old Ramsey Club?

A. I have never seen them shoot dice there, so I don't know.

Q. I am not asking you of your own personal knowledge . Would your brother Louis know?

A. Yes.

THE COMMISSIONER: Louis will be here, won't he?

A. Yes, he is here, my lord.

MR. ROSE: Q. I am asking you -- Let me ask you this. Do you recall November

the 29th, last year, when Mr. Winternmeyer made a speech in the Legislature, I think, which was very widely reported?

A. Yes.

Q. Did you, the following day, or any day subsequent to that, have occasion to read the text of the speech that he made?

A. I remember reading it. I followed it quite closely.

Q. Do you remember the names of you and your brother's being mentioned in the speech that Mr. Winternmeyer made?

A. I think Mr. Winternmeyer said in the speech ---

THE COMMISSIONER: Q. Do you remember?

MR. ROSE: Q. Do you remember your name being mentioned?

A. I think our names were mentioned, yes.

Q. I wonder, Mr. Commissioner, I would like to refer to page 91 of Exhibit 3.

THE COMMISSIONER: Yes.

MR. ROSE: Page 91, Mr. Winternmeyer is reported as saying ---

THE COMMISSIONER: What column?

MR. ROSE: The one I have, Mr. Commissioner, is numbered differently than yours.

THE COMMISSIONER: What column?

MR. ROSE: It would be on page 91. It

is on page 10 in mine.

MR. HOGG: It is on the left hand at the bottom. The bottom two paragraphs.

MR. ROSE: The one I have is on the right hand.

THE COMMISSIONER: All right.

MR. ROSE: Q. Mr. Wintermeyer, during the course of his speech, said this:

"There was testimony to
"indicate that two brothers
"named Iannuzzelli of Niagara
"Falls, New York, who preceded
"Feeley and McDermott as the
"Canadian bosses of the Ramsey
"Club, were members of the
"Mafia."

Do you recall reading about that?

A. I do.

Q. I gather from what you tell us to-day, you and your brothers lived in Niagara Falls, Ontario, and not Niagara Falls, New York?

A. Yes, Mr. Rose.

Q. In respect to this allegation that you were the Canadian bosses of the Ramsey Club, what have you to say about that?

A. I deny that.

Q. And you stick to the testimony, you were a member that had only been there on one occasion?

A. Yes, sir.

Q. You were not boss of the Ramsey Club?

A. Oh, no. Ridiculous.

Q. Or Louis?

A. The same thing.

Q. Joseph?

A. The same thing, ridiculous.

Q. You say the same thing with respect to them?

A. Yes.

Q. Mr. Wintermeyer also alleges you and your brothers were members of the Mafia.

A. That is really ridiculous.

Q. Would you kindly tell me what the Mafia is?

A. I think Mr. Wintermeyer could answer that. He made the speech. I wald like to hear from him. I don't know what the Mafia is.

Q. You don't know what the Mafia is?

A. No, sir.

Q. Now, Constable Scott has compiled here certain reports made over a period of time, and Constable Scott, at page 6, Mr. Commissioner - that would be in the third report of the date February 29th, 1960.

Constable Scott has this to say:

"I was informed by P.C. Wright

"that one Albert Iannuzzelli
"of Niagara Falls was looking
"into the possibility of opening
"a gambling house in St.Catharines."

You are the Albert Iannuzzelli of Niagara Falls?

A. I am Albert Iannuzzelli of Niagara Falls.

Q. Did you ever look into the possibility of opening a gambling house in St.Catharines?

A. Ridiculous. Never.

Q. And further on in that paragraph of Scott's report, he says:

"That Iannuzzelli has already
"approached the St.Catharines
"Police Department with regard
"to protection and has received
"a favourable reaction."

Now, what have you to say about that?

A. I say to Mr. Scott to produce the policeman I approached and bring him before this Commission.

Q. Do you affirm or deny that statement made in Scott's report?

A. I deny I approached anybody in the police department in St.Catharines.

Q. And at page 16 of Scott's report under date of April 12th, 1960, ~~in~~ paragraph 22 at the bottom of the page, Scott

states that his information is to the effect that protection for the Ramsey Club started with an initial payment from Albert Iannuzzelli to Sam Balsam of $100.

What do you say as to that?

A. I never gave Mr. Balsam any money. I don't think I spoke ten words to Mr. Balsam in ten years.

Q. On page 17, Scott also purports to relate information similar to what I have mentioned to you before, that the Iannuzzellis are members of the Mafia. You have already denied that.

You didn't seek the protection of the Canada Evidence Act here today?

A. No.

Q. You didn't desire to have that protection?

A. I didn't see any reason for it.

Q. You told us you had met Feeley and McDermott, I believe, as you put, casually, as they were in the Niagara Falls area looking into the possibility of purchasing a motel?

A. Yes.

Q. Did you have many discussions with them, or just a few?

A. Just a few.

Q. Did you know them before they were down there looking into the possibility

of purchasing a motel?

A. No.

Q. Did you know anything about their reputations?

A. No.

Q. Did you, in fact, enter into any business arrangements of any kind with Feeley or McDermott?

A. Never.

Q. Would there be any reason whatever, as has been suggested here, that you would bear a grudge or hard feelings or hatred towards Feeley and McDermott?

A. I don't see why.

Q. You say there is no reason?

A. No, there is no reason.

MR. ROSE: All right, thank you.

MR. WILSON: Only one minor point. In the corrections, during the Wintermeyer speech, there was reference to that particular quotation at page 91, and it was indicated that the Niagara Falls, New York, was an error and it should read Niagara Falls, Ontario.

THE COMMISSIONER: It doesn't make a bit of difference.

MR. WILSON: No, it doesn't. It is minor.

MR. HOGG: I think I should draw your attention to this Exhibit 100 that has been filed. I believe you asked this witness

whether the similarity in the money was due to coincidence and he has testified that is his opinion and gave the explanation that perhaps the people who obtained the money came into the bank after he did.

Q. Is that so?

A. Probably, or before.

MR. HOGG: I draw your attention, Mr. Commissioner, to page 7 of Exhibit 100. If you look at the bottom, under sub-paragraph j.

THE COMMISSIONER: Paragraph numbered 'j'?

MR. HOGG: Paragraph 6, 'j', on page 7, sir.

THE COMMISSIONER: Yes.

MR. HOGG: "Money wrappers which "at one time had enclosed a "total sum of $4,850; were found "on the floor or in a waste "basket. It was indicated that "four of these wrappers had "sums of $1,000 each while three "others had enclosed the sums "of $500, $200, and $100. Five "of these wrappers are stamped "with the stamp "Brandt Automatic "Cashier Company, Watertown, "Wisconsin."

And if you look at the following page, page 8, the third paragraph from the bottom:

"The serial numbers of $1,600
"American money were recorded
"by the above officers, of
"the new money in the safe at
"the office of the Hilltop cabins.
"The serial numbers of some
"of the money seized from the
"found-ins at the Ramsey Club
"are in very close sequence
"to this $1,600. Some of this
"money was bound by wrappers
"similar to the money wrappers
"found at the Ramsey Club."

And apparently, it comes from Watertown, Wisconsin.

MR. ROSE: That is, that the wrappers came from Watertown, Wisconsin, Mr. Commissioner.

THE COMMISSIONER: Yes, I see that. Is that all?

MR. WILSON: Yes. We may want this witness back after we get the records of the insurance company.

THE COMMISSIONER: Will you have those today?

MR. WILSON: I am afraid not.

THE COMMISSIONER: You may have to come over here on another day.

THE WITNESS: I would be glad to.

MR. WILSON: I will call Mr. Louis Iannuzzelli.

THE WITNESS: May I be excused, my lord?

THE COMMISSIONER: Yes, for today.

---The witness retired.

LEWIS IANNUZZELLI, sworn

MR. ROSE: As I mentioned before, Mr. Commission, I appear for this witness also and he, like hisbrother, is not asking for any protection under The Canada Evidence Act.

EXAMINED BY MR. WILSON:

Q. Where do you reside?

A. 1923 McGill Street, Niagara Falls, Ontario.

Q. How old are you?

A. Forty-one.

Q. And when did you leave school?

A. 1935 or '36.

Q. And what did you do by way of work after that?

A. Well, during the construction of the Welland Chemical Works, I worked at the Welland Chemical Works.

Q. When were you convicted for being a keeper of a common gaming house at the Italo-Canadian Club at 1717 Victoria Street, Niagara Falls, Ontario?

A. I was never convicted as a keeper.

Q. What were you convicted of?

A. As a found-in.

MR. WILSON: There is an error in

this report.

MR. ROSE: What year is that?

MR. WILSON: Well, I had one official report which the witness says is not correct. And I have another official report which has just been handed to me.

Q. All your convictions were of being found in?

A. As a found-in. My attorney has the records.

Q. For convictions?

A. Just two, sir.

Q. The last one was withdrawn. Two, you say?

A. That is right, sir.

Q. In 1950 you were fined $15 and costs as found-in. What premises were involved there?

A. I can't even recollect. They didn't even have the right file in the Welland court.

Q. I will let you see this record.

A. I went to the Welland court-house the day before yesterday and the information that they handed me, they didn't even have a true picture of it, because they had to give me an extra copy.

THE COMMISSIONER: Let me see that, please. (Produced)

Q. Is this correct?

A. I don't know. It might be. I am not sure.

Q. You are not sure?

MR. ROSE: I wonder, Mr. Commissioner, if I might assist. I wonder if I might compare that with the certificate of Mr. Forestall.

There is one here, Mr. Commissioner, of a charge on May 1st. A conviction on May 1st, 1952, with respect to being found in in a gaming house and fined $100 and costs.

THE COMMISSIONER: Is that on his record?

MR. ROSE: No. There is no May 1st, 1952. I see, this is the one that was arrested on April 13th, and so that would be the second one, sir.

AA/4

There was another one, a conviction, December 21st, 1950, found-in, $15 and costs. It would be the first two that appear on the record that has been filed. One is a fine of $15 and costs, and the other a fine of $100 and costs. I gather Mr. Iannuzzelli disputes the third one of these.

THE COMMISSIONER: Q. Do you?

A. I went to search for my records and that is what they gave me. I can only go by what they give ~~mm~~ me.

Q. We can establish that. You say you were convicted as a found-in on two occasions?

A. That is right, sir.

Q. Where was the first one?

A. I can't recollect, myself.

Q. And where was the second one?

A. The second one was at Victoria Avenue. The Italo-Canadian Club, or that was the first one, I don't know. That is the only one I can recollect.

Q. Where?

A. The Italo-Canadian Club, $101.

Q. You don't know where those premises were?

A. On Victoria Avenue. I don't know the exact ~~number~~ number.

MR. WILSON: Q. 1717 Victoria.

A. That would be it.

Q. That would be it. You were the president of that club in 1951?

A. That is right, sir.

Q. When you were president, three persons were keeping a common gaming house.

A. That is right.

Q. Who were these three?

A. I think -- I am not sure, now. I think one was Borelli. I am not sure now if I am saying it truthfully. Iean't remember that far back.

THE COMMISSIONER: Q. Borelli, and who else?

A. I can't think of the other names.

THE COMMISSIONER: Can you suggest it to him, Mr.Wilson?

MR. WILSON: No. It is rather interesting, in the two reports I have, there is a suggestion that he was convicted as a keeper, but I think I should keep away from that in view of the two discrepancies.

THE COMMISSIONER: But the persons who were charged? Can you suggest who they were? He says Borelli was one but doesn't remember who the other two were.

MR.WILSON: No, I can't , unfortunately.

THE COMMISSIONER: Q. You were one of the persons charged?

A. No, I was only charged as a found-in.

Q. Oh, I see. And the others were charged as what?

A. As keepers, according to that report.

Q. What report?

A. That the Commissioner has suggested. That there was three keepers. There may have been. As I say, I can't remember the names.

Q. Were there three persons charged as keepers?

A. That is a long time ago. There may have been. I am not saying there wasn't.

Q. Do you remember?

A. No, I don't.

MR. WILSON: Q. Have you ever been a member of what is known as the Mafia?

A. No, sir, I don't even know what the word means.

Q. Are you a friend of Benjamin Niccolletti?

A. I know him as a friend, yes.

Q. You have known him for how long?

A. I would say ten, twelve years.

Q. You are a friend of Dominic Mantelo?

A. Yes, sir.

Q. How long have you known him?

A. About the same length of time.

Q. Do you know Niccolletti's brother-in-law, Edwards?

A. No, I do not, sir.

Q. You don't know him at all?

A. No, sir.

Q. Were you a member of the old Ramsey Club when it was operating at 1693 Victoria Avenue?

A. Yes, I had a membership.

Q. And did you attend regularly?

A. Well, periodically. I wouldn't say regular.

Q. What business were you engaged in from 1950 to, say, 1958?

(Page 11270 follows)

MS/1/JH

A. Well, I was a proprietor of the motel - of the motel premises, with my brother.

THE COMMISSIONER: Q. And anything else?

A. Yes, we had a finance company, and we had a dry-cleaning establishment, and we have another motel, the Plaza Motel.

MR. WILSON: Q. Who were the operators of the game at the old Ramsey Club?

A. Operators? I never heard of no operators.

Q. You never heard of any operators?

A. No, sir.

Q. Was there a gambling game - a dice game?

A. There was never any gambling game I saw.

Q. You deny that there was ever bank game being carried on there?

A. Yes, sir, to my knowledge, I deny it.

Q. When you went to the club, what did you do there?

A. I played different games of cards.

Q. What kind of games?

A. Pinochle, bridge, gin rummy.

Q. And was there a pool table there?

A. There was one.

Q. What was being played on the pool table?

A. Billiards.

Q. At times were they playing dice?

A. Not to my knowledge.

Q. Now, you are swearing under oath that there was no game ever carried on, that is, a bank game or a dice game of any kind?

A. To my knowledge, yes.

Q. About how often a month would you go to that club?

A. Well, in the off-season I might have been there two or three times a week.

Q. And was all the activity in one room?

A. It was in one large room.

Q. Was most of the activity in that one large room?

A. Yes.

Q. And ---

THE COMMISSIONER: Q. Is that the room in which you engaged in your activities?

A. It was the same room, different tables, different sections.

Q. What do you mean by "different sections"?

A. I meant, that there would

probably be ---

Q. Was it divided in any way in two partitions?

A. No.

Q. Or cubicles?

A. No, it was one room.

MR. WILSON: Q. Most of the people playing there were Americans or Canadians?

A. I would say there had been about the same amount of Americans and Canadians.

Q. And what did the Americans come over to play?

A. The same thing we were. They were mostly all friendly.

Q. Are you a brother of the last witness, Albert Iannuzzelli?

A. I am,sir.

Q. Now, we have had filed here what is known as the Ramsey Brief, Exhibit 102, and at page 6, there is a reference to Louis Iannuzzelli which reads as follows:

"Brother of Albert, his job
"is to count the money, and
"keep figures and see that
"the Canadian partners get
"their fair share of the
"profits. Therefore any
"figures or papers found on
"this man should be compared

"with papers and figures found
"on the American top bosses,
"as both combinations must keep
"figures on their person."
What do you say about that statement?
A. I say that is all untrue. I was searched that evening, and if I had anything on my person they would have found it.
Q. Are you denying that you ever had anything to do with the gambling operation that was carried on at the premises?
A. I deny anything so far as gambling on that premises.
Q. Now, did you know Frank Cabello?
A. Yes.
Q. Did he come there frequently?
A. Not too frequently, occasionally.
Q. Did you know Carl Maize?
A. Not as Carl Maize, maybe another name.
Q. Did you know Samuel Perri?
A. No.
Q. Do you know Danny Samsonese?
A. No.
Q. Frank Magardito?
A. Yes.
Q. Did he come regularly?
A. No.
Q. How regularly did he come?

A. I don't know.

Q. Did you know the doorman?

A. I never knew we had a doorman.

Q. You never knew Izzadore Ziegel?

A. Not as a doorman.

Q. What did he do there?

A. Just like any one else, he was sitting around playing like any one else.

Q. Was the door locked or open all during the times you were there?

A. Any time I went, I walked right in.

THE COMMISSIONER: Was it locked after you got in, to your knowledge?

A. I don't know, I never went into that.

Q. Was there anybody guarding the door at any time?

A. No, not to my knowledge.

Q. What kind of lock did it have?

A. That is a question, I don't know what kind of lock they had, I never bothered to look at the lock.

Q. What I had in mind, was it one you pulled shut, and it would lock?

A. So far as I know,it had a regular door lock, like that one there (indicating).

Q. Did you have to use a key?

A. No, I didn't see a key, just a lock, I cannot describe what kind it was.

MR. WILSON: Were you ever at the old

Ramsay Club when the police came and made a raid?

A. Yes.

Q. On more than one occasion?

A. Yes, sir.

THE COMMISSIONER: Q. How many?

MR. WILSON: On how many occasions?

A. Well, after the first raid they come in there, I don't know, maybe on three or four times after, so I don't know.

THE COMMISSIONER: You don't know what?

A. I don't know what their purpose was up there then. They used to come and stand around and walk around and walk out.

MR. WILSON: Were you there the night of August the 18th, 1958 -- it was the last night the club operated?

A. Yes, sir.

Q. And the raid was made?

A. Yes, sir.

Q. Why, if it was such a ~~night~~ nice club -- respectable club -- why did that raid stop the operation?

A. The raid never actually stopped any operation, there was people around there after that.

THE COMMISSIONER: Were there?

MR. WILSON: For how long?

A. I don't know for how long. I know I frequented it after that.

Q. Did you? For how long?

A. I don't know for how long.

Q. When did it fold up?

A. I don't know.

Q. You have no idea?

A. No, no dates.

Q. What?

A. I have no dates.

Q. Was it a matter of weeks, days or months?

A. It might have been months after.

Q. Did it ever operate after the disposition of the charges in July, or in June of 1959?

A. I couldn't remember.

Q. Well, when was the last time you were ever there?

A. I don't remember no date.

Q. And were the same kind of games played after the raid of August the 15th, 1958?

A. We played cards.

Q. And were you in any way officially connected with the Ramsay Club at that address?

A. No, sir, I was just a member.

Q. Just a member?

A. Yes.

Q. And then when it opened up at 1648 Stanley Avenue, were you a member there?

A. Yes, sir.

Q. And was it the same old crowd there, or a different crowd?

A. Crowd? I don't know if it was different or new. There was some of the older fellows, and some new fellows.

Q. Did you get a new steward?

A. I think there was -- I am not sure.

Q. Well, was Ross ---

THE COMMISSIONER: Wait a minute. I don't know if he answered your question.

MR.WILSON: Do you want to carry on with that answer?

A. I think -- Mr. Ross, I think, was the steward.

Q. Mr. Ross was at the new address, was he?

A. I think so, yes.

Q. Was he ever at the Victoria Avenue address?

A. He may have been there, I never saw him there.

Q. You never saw him there?

A. No.

Q. Did you ever see him in the Frontier Club?

A. I was never in the Frontier Club.

Q. You were never there?

A. No.

BB/2

Q. Do you know the company of Howe & Smiley, in Niagara Falls?

A. Yes, they were my auditors.

Q. Were they auditors for the Ramsay Club?

A. I think they were.

Q. You think they were?

A. Yes.

Q. And why would they be addressing any correspondence to you in connection with the Ramsay Club?

A. I don't remember ever receiving any.

Q. You don't? Well, I show you a copy of a letter they wrote to you on November the 7th, 1958. Take a look at that and tell me if that helps your recollection a bit?

A. I would not know why they wrote it to me. I don't know an answer ---

THE COMMISSIONER: Let me see it.

Q. Who is Howe & Smiley & Company?

A. Auditors in Niagara Falls.

Q. Were they your auditors?

A. They did audit for our company -- Hilltop.

Q. Yes, and as your auditors they wrote to you on November the 7th, apparently?

A. Apparently they did.

Q. They probably did?

A. Yes.

Q Can you recall what it was about?

A. No, sir.

Q. Because it is headed "Re Ramsay Club".

A. I cannot help what is on there, I cannot recollect it.

Q. Are they still in business?

A. Howe & Smiley?

Q. Yes.

A. Sure.

Q. John E. Howe -- is he connected with the firm?

A. Yes, sir.

Q. Ascertain what that was about, Mr. Wilson.

MR. WILSON: This letter reads:

" November 7th, 1958

"Louis Iannuzzelli, 2060 Meisner Street,

"Niagara Falls, Ontario.

"Re Ramsay Club.

"We enclose here with letter

"received from the Department of

"National Revenue, Taxation Division,

"your lawyer can supply the copy

"requested."

That is signed Howe, Smiley & Company, per John E. Howe.

Now, who was your lawyer at this time?

A. My lawyer?

Q. Yes.

A. My lawyers have been different lawyers at different times .

Q. In November, 1958, who was your lawyer?

A. For the Ramsay Club?

Q. No, who would be the lawyer that Mr. Howe would be speaking about in this letter?

A. I haven't any idea. I used several lawyers.

Q. Now, why would Mr. Howe be writing to your brother Alfred, and yourself, on different matters pertaining to the Ramsay Club, if you had no interest in it?

A. I cannot figure that one out myself.

Q. Well, you consider Mr. Howe a pretty responsible person, do you?

A. He was fairly responsible. I don't have my accounts with him any more.

Q. Well, maybe we will get a clearer picture from Mr. Howe, because you don't seem to recall it very well.

A. No, sir, I don't.

Q. Now, in this brief, Exhibit 102, on page 7, there is a suggestion that in order to put this club at 1693 Victoria out of business, the Ramsay Club, that at some time the police had better raid the Hilltop Motel. You were connected with that motel?

A. Yes, that was my place of business.

Q. And it says in part, on page 7:

"The motel safe will contain balance of

"American money in the same sequence

"found on the accused men, along

"with dice, glass croupier sticks

"and other paraphernalia, which you

"will have no trouble tying in with

"club operation."

Now, isn't it a fact that when they did search the premises at your Hilltop Motel that they did find dice?

A. I wasn't there that night, I don't know.

THE COMMISSIONER: Well, that has been in evidence.

A. Well, if they find dice, I don't know what they find.

Q. Weren't you there the night of the raid?

A. I was at the club, not the premises. My brother was at the premises.

Q. And did they take you into custody in the raid?

A. Yes.

Q. How long did you remain in custody?

A. They took me, and segregated me separately, and took me down by myself. I was taken down to police headquarters charged, and put in a cell, I mean, until bail was

arranged.

Q. How long did it take for you to get bail?

A. A couple of hours.

Q. And then, did yougo back tothe motel?

A. I don't recollect if I went back to the motel or not, or if I went home. I am at the motel practically all day, anyway.

Q. Do you remember if you went back to the motel that night?

A. I may have.

Q. When did you first know that they had raided the motel?

A. I think I discussed it with my brother.

Q. Either that night or the next day?

A. I think it was that same evening, but I don't know if I went back to the motel, but I know I discussed it with him that evening.

Q. Do you know that on that evening they had seized the dice at the motel?

A. That is true.

MR. WILSON: Well, the dice that were found in your motel, had the same initials as those that were being used in the game, that you never saw over at 1693 Victoria. How did that come about?

A. I don't think that istrue, I think ---

Q. We have evidence here that that is true. How do you explain it?

MR. ROSE: Excuse me ---

THE WITNESS: I don't agree with that.

MR. ROSE: I disagree with what Mr. Wilson is saying that, "We have evidence here that that is true." Mr. Wilson ---

MR. WILSON: If you have anything to disprove it, then bring it here.

MR. ROSE: He is ---

THE COMMISSIONER: Wait a minute, please. If you have any remarks address them to me.

MR. ROSE: I am addressing them to you, Mr. Commissioner. Mr. Wilson has stated, "We have evidence here that it is true", that such and such is the case. The evidence he is referring to is Exhibit 102, a report made by Robert J. Wright, and that is the report signed by him. That is only the report. The mere fact that this document comes before this Court does not mean that it is true, when he says it is evidence -- "We have evidence here that that is true", and that is a statement of fact.

THE COMMISSIONER: All right.

MR. ROSE: And he is saying to the witness -- and the only result is a type of coercion to read, and get the evidence to deny something on the basis of a man's statement ---

MR. WILSON: He says that ---

THE COMMISSIONER: I think Mr. Wilson put it correctly when he said that we have evidence here that it is true.

Q. What do you know about the kind of dice that were used at the Ramsay Club?

A. I never saw any. I can't state what was used. I did not see any there. I don't know what was used.

Q. Well, there were initials on the dice that were seized.

MR. WILSON: The initials were SDS.

THE COMMISSIONER: Doyou know that to be a fact?

A. No, only by what has been said. I never looked at the dice. They have never been returned to us.

MR. WILSON: Well, I don't think you can help us then.

THE COMMISSIONER: He cannot throw any light on it.

RM/3 MR. WILSON: Now, there was money found at your Hilltop Hotel in the sum of $1,600, American; what were you keeping that on hand for?

A. You can look in my safe now, and you will find maybe three or four thousand cash.

Q. Is that to make change?

A. My business is ninety per cent

American.

Q. To make change?

A. That is right.

Q. And you need $1,600 to make change?

A. I have sometimes more than that.

THE COMMISSIONER: Mr. Wilson, to be fair, I suppose ninety per cent ofyour business is American?

A. Yes, sir.

Q. And then perhaps ninety per cent of the currency paid would be American, would it, a large part of it?

A. Paid to me, especially in American, and to make change I would have to have American money.

Q. You wouldn't want $1,900?

A. You can look in my safe now and you will find ---

Q. I do not care what you have now in your safe. All I am suggesting to you is, you wouldn't need $1,900?

A. I need three or four hundred in silver alone.

Q. In American currency?

A. Yes, and I need bills. I have a restaurant, a lunch counter, and a motel to operate.

MR. WILSON: Q. Have you any explanation for the evidence we have here, that the serial numbers of these bills were close to the

serial numbers of the bills that were found on the people playing at your -- found-ins -- at 1693 Victoria, on August the 18th, 1958?

A. The only explanation for that is that they probably put it in the same bank as my brother went to get change, and that could possibly happen to any one at any time.

Q. Yes?

THE COMMISSIONER: How often did you bank?

A. I bank in Niagara Falls, Ontario, and I tried to get my change in Niagara Falls.

Q. I said, how often do you make a deposit in the bank?

A. Two or three times a week.

Q. Excuse me, Mr. Wilson. I suppose you would wait until you had a sizeable amount to deposit before going to the bank?

A. No, according to business I would not want to carry money over the week-end, so I would take it to the bank, and I might go back on Monday if it was a heavy week-end, and I might bank on Tuesday, and in the middle of the week ---

Q. That is, you say you would bank in the middle of the week if the amount you had would justify it?

A. Well, during the summer months we would bank three or four times.

(Page 11295 follows)

cc/gms/1

THE COMMISSIONER: Three to four times?

A. During the week.

Q. During the week. Well, you wouldn't need to go to the bank to get money for change each time when you had such a large amount in your possession which you were contemplating depositing?

A. It all depends, because if my brother was looking after most of the depositing, and he was doing most of the going to the bank to ~~zk~~ get change. I was looking after most of the operation of the motel.

MR. WILSON: There was some tailor's chalk found in your office at the time of the police search. What was it used for at the motel?

A. It could have just been laying around. I own two cleaning establishments.

Q. What?

A. I own two cleaning establishments.

Q. I appreciate that.

A. I could have had it in my pocket.

Q. You carry on your cleaning operations at the motel?

A. No, but I could have had it in my pocket and just threw it in the desk.

Q. I see. Do you work in the cleaning establishments yourself?

A. No, I don't.

Q. No?

A. I am there occasionally.

Q. You go around to pick up chalk?

A. I don't go to pick up chalk. I go around to check on my business.

Q. I see. That is what I would have thought. Now, talking about the Ramsay Club at 1648 Stanley, about how often were you there in a given week, say?

A. Sometimes maybe a couple of times, maybe I was sometimes three or four times.

Q. Yes. And was there any game played there, and when I say a game I mean an illegal game, a dice game with a bank?

A. No, sir.

Q. Not at all?

THE COMMISSIONER: You never saw a dice game played there?

A. No, sir.

MR. WILSON: Did they ever play dice at that club?

A. Not while I was there.

Q. No. I suppose they never played dice at the old Ramsay Club while you were there either?

A. That is right, sir.

Q. Now, coming back to the new Ramsay Club. Did you have any guard or lookout on the door there?

A. When I went there I went to play. I went upstairs, and I participated in the

game. I never knew what else was going on.

Q. Were you there when the police raided it?

A. I was there a few times.

Q. Yes. What were they raiding this nice peaceful place for?

A. I can't figure it out myself. If there was anything illegal, they could have laid charges.

Q. Yes. And what caused that club to fold up?

A. I have no idea.

Q. And did Borelli frequent that club?

A. I would see him occasionally.

Q. Was he there quite a regular attendant or not?

A. I couldn't say that. I wasn't there some time he was there a lot of times.

Q. No, no, I know that. Was Nicoletti there?

A. I never saw Nicoletti there.

Q. Did you ever see Mantel there?

A. No, sir.

Q. And you did see him, of course, at the old place?

A. No, sir.

Q. You never did?

A. No.

Q. And did you ever see Ginsey at the new Ramsay, that is the one on Stanley? Ginsey

Hersch?

A. I have seen a man that was introduced as Ginsey Hersch.

Q. Yes. Did you ever meet him at the old Ramsay?

A. No, sir.

Q. Well, I think that is all for the moment I want of this witness, Mr. Commissioner. Possibly before I -- Did you have anything to do with this finance company?

A. Yes, I was vice-president.

Q. That is the Power City?

A. Power City.

Q. You were vicepresident?

A. Power City Finance Company.

Q. And you knew Nicoletti's reputation when you took him as a partner?

A. No, sir, I don't delve into anybody's reputation.

THE COMMISSIONER: Well, did you know it?

A. No, sir.

MR. WILSON: You didn't. You had no idea of his record?

A. No, sir.

Q. Have you any idea now?

A. Just what I read.

Q. Well, what did you read?

A. Well, I seen the Gazette one time that had a few charges in. I don't remember them specifically.

Q. You don't pay any attention to those sort of things?

A. Papers don't interest me.

THE COMMISSIONER: What is the Gazette?

A. It is a Niagara Falls, New York, paper.

Q. Papers don't interest you?

A. That is right, no.

Q. But you read them?

A. I read them, but ---

Q. I suppose you read them because they do interest you, eh?

A. Not because they interest me.

Q. You read them to get the news, don't you?

A. Sometimes.

Q. For what other purpose?

A. Just to read it.

Q. Well, now, please.

A. Nothing specifically that I want out of it.

MR. WILSON: So, when you read in the paper that one of your friends has got quite a criminal record, you just put that aside, that is not of interest to you?

A. I never bother whether they are my friends or strangers. I just read it, and I just take it and I analyze it myself.

Q. You analyze it yourself?

A. Yes.

Q. What do you mean by "you analyze it yourself"?

A. I form my own opinion of it, that is all.

MR. WILSON: Well, I guess we will leave it on that note.

I may want the witness back later.

THE COMMISSIONER: All right.

EXAMINED BY MR. HOGG:

Q. Of the fifty-two people found and taken into custody by the police, why were you the only one that didn't have any money on him?

A. I did have money. I had over $300 on me, and Sergeant Anderson can prove that. He is the one that searched me.

Q. Exhibit No. 100, the amounts of money that every one had are listed, and nothing is listed so far as you are concerned.

A. Well, he searched me right down at the police headquarters.

Q. Would it be possible that a dice game could have been carried on in that room, and you not know about it?

A. No, impossible.

THE COMMISSIONER: Impossible?

A. That is right.

Q. So, if there was this game there when you were there, and you say there wasn't, then you are lying?

A. According to that I would be lying.

Q. But you couldn't possibly overlook it?

A. Well, it is hardly possible that you couldn't see it.

MR. HOGG: Now, we have a list of those Americans that were there. I take it that you were going there just for the company and to associate with each other?

A. I went there because that was my relaxation.

Q. Did you get to know any of those Americans?

A. A few of them.

Q. What reason did they have for coming over from the States?

A. The same reasons I had for going into the States. They were friends.

Q. And you knew most of those men?

A. I know some of them, not all of them.

THE COMMISSIONER: Did you go to a club in Niagara Falls, New York?

A. I didn't go to a club. I go to a lot of bars and places. I run into a lot of

people.

MR. HOGG: I have no further questions of the witness, Mr. Commissioner, but if Mr. Rose is going to put the same question to this witness that he put to the last one, about what Mr. Wintermeyer is supposed to have said, I would ask him to refer to the exact words, and not paraphrase it.

THE COMMISSIONER: All right.

Any questions?

MR. ROSE: Yes. I presume you are referring to Niagara Falls, New York.

EXAMINED BY MR. ROSE:

Q. Mr. Iannuzzelli, Exhibit No. 3 is a copy of proceedings of the Ontario Legislature as of November 29th, 1961. Mr. Wintermeyer is reported as saying that there was testimony to indicate that you two brothers named Iannuzzelli of Niagara Falls, Ontario, who preceded Peeley and McDermott as the Canadian bosses of the Ramsay Club, were members of the Mafia.

Now, were you at any time a boss of the Ramsay Club?

A. No, sir.

Q. Were you ever at any time anything but a member of the Ramsay Club?

A. I was only a member.

Q. Of either Ramsay Club?

A. I was only just a member.

Q. And you have already told Mr. Wilson that you do not know what the word Mafia means?

A. I would like to have him explain to me.

Q. You don't know what it is?

CC/2 A. No, I don't.

Q. Now, had your brother Albert a piece of the -- of either Ramsay Club?

A. No, sir.

Q. To your knowledge?

A. To my knowledge.

Q. And let me ask you this: Did you ever know anything about your brother Albert trying to establish any gaming operations in St. Catharines?

A. Never.

Q. Did you ever hear that he had given $100 to Sammy Salsom at any time as a ---

A. No, sir.

Q. --- as a first instalment on a bribe?

A. No, sir.

Q. Do you know Sammy Salsom?

A. Yes, I have known him.

Q. Did you -- did you know anything about your brother ever approaching the St. Catharines Police Department to obtain protection for a game he was thinking of opening in St. Catharines?

A. My brother never even gambles. I don't know why he would want to approach anybody.

Q. Did you ever meet Feeley and/or McDermott?

A. Sure, I know both of them.

Q. How did you happen to know them?

A. They come down to Niagara Falls. They were interested in having a motel one time, and we were established quite a long time, and they just asked us a few questions about motels.

Q. On how many occasions ---

THE COMMISSIONER: When was that?

A. I would say about six, seven years ago.

MR. ROSE: Back around '56, '57, '55, '54?

A. Maybe lower than that, and I have met them a few times after.

Q. Approximately how many times did you have discussions with Feeley or McDermott?

A. Really no discussions. I met them probably about three or four times.

Q. Always in Niagara Falls?

A. Yes, sir.

Q. Was that always in connection with a discussion about purchasing a motel?

A. It was mostly real estate.

Q. Did you ever have any business dealings of any kind with them?

A. No, sir.

Q. Did you ever have any social dealings of any kind?

A. No, sir.

Q. Was there any particular reason why you should have any enmity or hatred towards Feeley or McDermott?

A. I have none. I have no reason.

Q. No hard feelings?

A. No, sir.

Q. For any reason?

A. No, sir.

Q. All right, thank you. Oh, incidentally, do you recall what the colour of the dice was that was taken at the Hilltop Motel?

A. I never saw them. I would have no idea.

Q. No idea?

A. They never were returned.

MR.REES: Thank you very much.

MR. WILSON: Well, that is all for the moment, but we may want him back.

THE COMMISSIONER: You may go. That is all.

THE WITNESS: Thank you.

---The witness withdrew.

MR. WILSON: Anthony Mitchell. I want Mr. Mitchell -- Anthony Mitchell. Anthony Mitchell, not Serip.

ANTHONY MITCHELL, sworn,

EXAMINED BY MR. WILSON:

Q. Where do you reside?

A. In Niagara Falls.

Q. Yes. You lived there for how long?

A. I was born in Niagara Falls.

Q. You were born there, and how old are you now?

A. Fifty-five.

Q. And, now, you were convicted for gaming in connection with the Italo Canadian Club at 1717 Victoria Avenue, Niagara Falls?

A. I was.

Q. And were you -- what year was that?

A. Oh, I don't remember now. Maybe '51, '52.

Q. Yes, and at that time was Louis Iannuzzelli the president of the club?

A. Well, I don't recollect now who was it.

Q. Who was convicted along with you?

THE COMMISSIONER: Was he convicted as keeper?

MR. WILSON: Keeper, or as a ---

A. Yes, I was.

Q. Yes?

A. There were three or four of us. I don't recollect now who they were. I think

Iannuzzelli was one, Borelli wasanother, and Sansone.

Q. Sansone?

A. I think so, yes. I believe that is who it was.

Q. And who set up that Italo Canadian Club originally?

A. Well, I don't know. I can -- I don't recollect now how it was started.

Q. Was it Maxie Baker?

A. Who?

Q. Maxie Baker?

A. No, I don't know Maxie Baker.

Q. Do you know Maxie Blustein?

A. Yes, I knew Maxie Blustein.

Q. Did he have something to do with setting it up?

A. I don't think so.

Q. You don't think so. You didn't tell Sergeant Anderson that, did you?

A. No, I didn't.

Q. You didn't. Now, do you recall Mr. Hayward of the Toronto Telegram?

A. Mr. Hayward?

Q. Yes.

A. I don't know. I don't recall him.

Q. Well, do you recall talking to somebody who was with the Toronto Telegram?

A. I don't recollect that.

THE COMMISSIONER: When?

THE WITNESS: When was it?

MR. WILSON: Well, did you -- get the exact -- well, he talked to you about the disappearance of your brother, didn't he? Your brother, Scrip Mitchell?

A. Yes.

Q. You remember having a talk with him about that?

A. Well, I talked with so many that talked to me about it, I don't know which is which.

THE COMMISSIONER: Is Mitchell your real name?

A. Well, it is in the Canadian sense of the word.

Q. Pardon?

A. It is in the Canadian sense of the word. Actually it is Miscelli.

THE COMMISSIONER: Miscelli?

A. Yes.

Q. How do you spell that?

A. M-i-s-c-e-l-l-i.

Q. M-i-s-c-e-l-l-i.

MR. WILSON: Q. Well, now, did you have protection at the Italo Canadian Club?

A. Did I have protection?

Q. Well, yes?

THE COMMISSIONER: Did the club have protection?

A. I don't know that. I don't know.

I was just a member there. They charged me ---

MR. WILSON: Well, did you have raids?

A. Yes.

Q. Did you have advance notice of the raids?

A. Not that I know of.

Q. Not that you know of. Well, did you tell Mr. Hayward that Maxie Baker or Blustein had an interest in the Ramsay Club until about 1952?

A. I don't think so. I don't recollect saying anything like that.

Q. You don't recollect?

A. No.

Q. And you don't recall telling him that Cronin was the protection for the club?

A. No, I don't.

Q. Do you ever recall telling him or anybody else about Cronin?

A. No, I don't know Cronin.

Q. I know.

THE COMMISSIONER: Well, you weren't asked that.

A. No. Not that I know of. I don't recollect anything like that .

Q. Well, is it possible that you did tell him?

A. I doubt it, because it would be untrue if I did tell him, because I didn't know anything about that.

THE COMMISSIONER: What do you do for a living?

A. I have a souvenir store.

Q. Where?

A. 1420 Ferry.

Q. How long have you had it?

A. Oh, seven years.

Q. Is that anywhere near the Ramsay Club?

A. Oh, about five blocks.

MR. WILSON: Now, around 1952, your brother had, or did you have some interest in the operation of the club at 1693 Victoria in Niagara Falls?

A. What club was that? There were two clubs there, I believe, at that time.

Q. Well, what club did you have any interest in?

A. I was -- I was a member at the Italian Canadian Club.

Q. No, but long after that?

A. I don't know, no. I wasn't associated with none of those places after -- after I had my conviction, I was never around any club or any gambling place.

Q. Well, who moved in there after?

A. After? I don't know.

Q. You never went back?

A. I went back on a raid and I was arrested as a found-in there.

THE COMMISSIONER: What?

A. I was arrested as a found-in.

Q. You were arrested as a found-in?

A. Yes.

Q. When?

A. Oh, must have been about a year after the first conviction.

MR. WILSON: Yes, a year after your conviction?

A. Yes.

Q. And ---

THE COMMISSIONER: As a found-in at what premises?

A. In the same -- the same address.

Q. What club was operating there then?

A. I don't remember right now.

Q. Well, tell me? Surely you must remember?

A. I don't think there was a club there. I think they ran without -- without a charter.

Q. Oh, who was running it?

A. I don't know. I don't recollect now.

Q. Oh, well, now, sure you do.

A. I don't know.

Q. Pardon?

A. I don't recollect who.

(Page 11309-D follows)

CS/3

Q. Well, you went there?

A. I just used - the door was open, and people sitting around there playing cards.

Q. And you wandered in?

A. That is right.

Q. Well, proceed.

A. Well, I can't really remember Iannuzzelli. I can't remember who was running it. I can't recollect at all.

Q. Who invited you over?

A. Well, everybody. That was more of a hangout.

Q. It was a hangout?

A. Something like that, yes.

Q. Or something like that. Well, when asked you over there?

A. Nobody. I just walked in upstairs.

Q. Daytime, or at night?

A. This was night time.

Q. Did it occur to you that maybe you might be charged as a trespasser in there, if nobody had ever asked you in?

A. Well, I just seem, all the rest of them, like people I was associated, were upstairs. They were playing cards. I dropped in there for a game myself.

Q. You just followed the group?

A. That is right.

Q. At the same old address?

A. Yes.

Q. Was the same group there?

A. Mostly.

Q. Well, surely somebody was in charge?

A. Well, I believe the place belonged to a man who is dead now, to Mr. Boccaro, Nicholas Boccaro.

Q. Did he seem to be in charge?

A. Yes, it was his building.

Q. I didn't ask you that. Did he seem to be in charge?

A. Well, I - I can't recollect if he was in charge, but he was there most of the time - the time I was there he was there too.

(Page 11310 follows)

THE COMMISSIONER: Who was convicted as the keeper at the time you were arrested as a found-in?

A. I don't recall.

Q. You don't recall that other.

MR. WILSON: Show th e witness this record and see if he agrees with it.

THE COMMISSIONER: Have you read it?

A. Yes, sir.

Q. Is it correct?

A. Yes.

MR. WILSON: That will be exhibit ---

THE REGISTRAR: 269.

----------EXHIBIT 269: Criminal record of A. Mitchell.

THE COMMISSIONER: Where were you living in February 1942?

A. February, 1942?

Q. Yes, do you remember?

A. Kingston, I guess.

Q. Oh, no. that is before you went to Kingston.

A. 1942?

Q. At the time of the event that led to your conviction in February, 1942, where were you living?

A. Let's see. Slater Street. I don't remember the number.

Q. What was your business?

A. I beg your pardon?

THE COMMISSIONER: What was your business?

A. Then I had no business.

Q. Well, you were convicted for procuring for immoral purposes.

A. That is right.

Q. Were you running a house of ill-fame?

A. No.

Q. What were you doing?

A. I only drove two girls from Hamilton down here, and then they were picked up and they charged me for procuring.

Q. Were you married?

A. I was divorced.

Q. When?

A. 1943, 1944.

Q. On the occasion of your conviction as a keeper of the Italian-Canadian Club, what year was that?

A. I believe it was 1951 or 1952.

Q. That is when you were fined six hundred dollars and costs ?

A. That is right.

Q. That was after you had spent five years in Kingston, whatever time ---

A. Before that.

THE COMMISSIONER: When?

A. Before that.

Q. Sentenced to Kingston for ----

A. '40.

Q. --- to five years in 1942. Then you were convicted of keeping a common gaming house in 1951. Where was the premises in respect of which you were convicted as a keeper?

A. That was on ----

Q. 1717 Victoria Avenue?

A. Yes.

Q. Then you say that after you were convicted as a keeper you were convicted as a found-in at the same place?

A. At the same place, yes.

Q. That does not appear to be on his record, Mr. Wilson, but you are sure it was after you were convicted as a keeper that you were convicted as a found-in?

A. I am pretty sure.

MR. WILSON: No question he was a found-in in 1953, but it is not on this record.

Q. What is your brother's name?

A. Peter.

Q. Is he known as "Serip" Mitchell?

A. That is right.

Q. What connection did he have with any of these clubs?

A. I don't know.

Q. You never were at any of the clubs he was interested in?

A. He never told me ---

Q. I say, were you ever at any of the clubs where he was there?

A. No.

Q. At no time?

A. No time.

Q. And do you know where your brother is to-day?

A. No, I don't.

Q. Do you know where he is alive or not?

A. No, I don't.

THE COMMISSIONER: When did you last see him?

A. October 21st.

Q. What year?

A. 1959.

Q. Where?

A. At the Centre.

Q. At the what?

A. What they call the Center at Niagara Falls.

Q. Was he alone or in company with anybody?

A. He was alone.

Q. What was he doing?

A. Just standing around in front of the restaurant.

MR. WILSON: Q. Was that the time he disappeared?

A. That is the last time I saw him.

Q. Now, do you know Felix Borelli pretty well?

A. Pretty well, yes.

Q. Now, what did he have to do withk the Ramsay Club brief?

A. I don't know nothing about it.

Q. You don't know anything about it?

A. No.

Q. Why would you tell somebody that he was the finger-man for that brief?

A. I didn't tell anybody.

Q. You deny that you said that to anybody?

A. I don't think, I don't recall saying that to anybody.

Q. You don't recall it now. Are you afraid to answer these questions to-day?

A. No, I am not.

Q. You aren't?

A. No.

Q. Do you know Joseph MacDermott?

A. Never seen him.

Q. Do you know a Vincent Feeley?

A. Never seen him either.

Q. Do you know "Ginney" Hirsch?

A. Never seen him either.

THE COMMISSIONER: What does Borelli do?

A. I think he has a ~~BRE~~ pool room now.

Q. You think he has?

A. I don't associate too much down there that last couple of years.

Q. Do you see much of him - have you seen much of him in the last couple of years?

A. I have seen him drive past the store a few times.

Q Q. What did you say your business is now?

A. Souvenir store.

Q. Is that in your own name?

A. Yes.

Q. Are you the sole owner or is there somebody else ----

A. No, I am the sole owner.

MR. WILSON: Q. Do you know "Zapp" Papalia?

A. Do I know him?

Q. Yes.

A. Not personally. Just know to see him.

Q. Do you know Benny Nicolletti?

A. Just to see.

Q. Do you know Domenic Mantell?

A. No.

Q. You don't. When did you last see Papalia?

A. When did I last see him?

Q. Yes.

A. Maybe two years ago or so.

Q. Well, when was it with relation to the last time you saw ----

A. I don't recall. I was sitting in the Clifton Hotel and he walked in and bought a drink. There was three or four of us sitting there. And he walked out. That is the last I have seen him. That is how I know who he was. Bought us a drink and walked out.

THE COMMISSIONER: He bought you a drink?

A. Yes.

Q. You hadn't known him before?

A. I have seen him but I didn't know who he actually was.

Q. Did he know the people you were with?

A. Yes.

MR. WILSON: I think that is all for the moment. I may want the witness back.

THE COMMISSIONER: Can you get anything out of this witness?

MR. HOGG: Perhaps I can ask him one or two questions.

EXAMINATION BY MR. HOGG

Q. Have you been telling any people over the last year or two that you felt Johnnie Papalia murdered your brother?

A. No.

Q. Have you been saying that to anyone?

A. No, I don't. I never recollect, I never said that.

Q. Just a minute. Leaving apart the driver or the police station to-day, have you said it to anyone?

A. Not that I recollect.

THE COMMISSIONER: You would recollect if you said that.

A. I doubt it. Why should I say a thing like that?

Q. Did you ever think that he did?

A. No.

MR. HOGG: Q. Are you swearing under oath that you have never told anyone that, is that right?

A. I don't recollect telling anybody. Why should I tell anybody anything like that?

I have got back in my mind of a lot of people what could have did harm to my brother, but I don't remember saying Papalia or anybody else; just taking it in its stride and trying to find out what happened to him.

Q. You have in mind a lot of people that might have done something to your brother?

A. We are trying to find ~~XXXX~~ out what happened to him.

Q. What people did you have in mind?

A. Whatever ----

THE COMMISSIONER: Just a minute ---

MR. HOGG: All right, I agree.

Q. Did you see Papalia just before your brother disappeared?

A. That I can't recall.

Q. Have the police ever been into your souvenir store?

A. I beg your pardon?

Q. Have the police ever been into that souvenir store of yours?

A. Mine?

Q. Yes.

A. Which police?

THE COMMISSIONER: Any police?

A. Oh, yes, they have dropped in.

MR. HOGG: Q. Raids?

A. No. Oh, yes, they have raided,

oh, when I first opened, I believe.

Q. What for.

A. I had a little card game in the back.

Q. Who put the money up for the shop of yours?

A. My sisters.

Q. Do you know where they got it from?

A. Yes.

Q. What was that?

A. They are hairdressers. They worked for it at the hairdressing.

THE COMMISSIONER: You say they worked for you?

A. Oh, no.

Q. I beg your pardon. I thought you said they worked for you.

MR. HOGG: Q. Do you know how much money was involved in the shop of yours?

A. How much was involved?

Q. Yes.

A. The cost of the building?

Q. Yes.

A. Fourteen thousand.

THE COMMISSIONER: Do they own the building?

A. Yes, sir.

Q. You rent it from them, do you?

A. That is right.

MR. HOGG: Q. Is it a bank game you had in there?

A. No.

THE COMMISSIONER: What was it?

A. I had a table that the boys would come in there and play a little cards game.

Q. And pay you what?

A. Nothing. Just selling what - I used to sell them pop and cigarettes.

Q. Pardon?

A. Sell them pop and cigarettes, stuff like that, candies.

Q. You sold them pop and cigarettes?

A. Yes.

Q. Nothing the matter with that. Did they pay you. ----

A. For the goods.

Q. --- for letting them come in and play?

A. They would pay for soft drink and stuff like that, they would pay for the goods they were getting.

MR. HOGG: Q. Who paid your brother's fine of four thousand dollars?

A. I don't know.

Q. He wouldn't be able to pay it?

THE COMMISSIONER: What brother?

MR. WILSON: Peter.

THE WITNESS: I only had the one brother.

THE COMMISSIONER: What brother was fined four thousand dollars?

MR. HOGG: Wasn't "Scrip" Mitchell fined four thousand dollars at one point?

THE COMMISSIONER: I don't know. Was he?

A. Not that I know of.

Q. Did you ever pay a fine for him?

A. For my brother? No.

MR. ROSE: I have no questions, thank you, sir.

MR. WILSON: That is all.

THE COMMISSIONER: Waste of time, isn't it?

MR. WILSON: Yes, that is all for the moment.

THE COMMISSIONER: That is all, sir.

----------Witness left the box.

MR. WILSON: I call Constable Weller.

G. Weller .....

GEORGE WELLER, Sworn.

EXAMINATION BY MR. WILSON

Q. You are a member of the Ontario Provincial Police?

A. I am.

Q. What is your rank?

A. Constable.

Q. Where are you stationed?

A. Niagara Falls detachment, Niagara Falls, Ontario.

Q. And did you have occasion to make some investigations about the officers of the Ramsay Club during the period it was located at 1648 Stanley Avenue, Niagara Falls, Ontario?

A. Yes, sir, I did.

Q. And I believe you found that the president of the club was one Edwards. Have you got your papers with you?

QA. No, I didn't, sir.

Q. Are they here?

A. They are in the office.

Q. Will somebody get them because I don't seem to have mine. Maybe we can get along, and somebody will find either my papers or your papers. Where did this Edwards live?

A. He lives on 71st Street, Niagara

Falls, New York.

THE COMMISSIONER: What is his first name?

A. Harold Edwards.

Q. His address is what?

A. On 71st Street, Niagara Falls, New York.

MR. WILSON: Q. When did you interview Mr. Edwards?

A. On Tuesday, 28th May, 1962, sir.

Q. And what did he tell you about his association with the Ramsay Club as president?

A. Mr. Edwards stated to me that he was asked in August of1959 by his brother-in-law, Benjamin Nicoletti, to become president of the Ramsay Club in Niagara Falls, New York -- Ontario.

Q. Did he tell you what Benjamin Nicoletti told him about the club and why he wanted him to do this?

A. Well, Nicoletti told him that he would have -- that he would not have to take any active part in the club, but he was to tell anybody that approached him that he was the president of this Ramsay Club.

Q. Did Nicoletti tell his brother-in-law what the club's operation was?

A. Yes, Nicoletti told him that it was to be a sportsmen's club.

Mr. Edwards further stated that he only visited the club on one occasion and that was approximately one week before the club opened up.

Q. Did he ever take part in the operation of the club?

A. He further stated that he did not know any of the other officers of the club, nor take any active part in the proceedings of the club.

Q. A nd what did he say about his brother-in-law Nicolettie's operations in the Niagara Falls, New York, area?

A. I asked Mr. Edwards if he thought this to be true with regard to the sportsmen's club ----

THE COMMISSIONER: Thought what to be true?

A. That it would be a sportsmen's club, and he stated that his brother-in-law had been mixed up in gambling on that side - Niagara Falls, New York, and had been put out of business, and he therefore concluded he would be trying in Canada.

(page 11325 follows)

Q. When was it Edwards became president of the Ramsey Club?

A. He said he was approached in August, 1959, and had taken the position there.

Q. Did he give you any information about the club?

A. Yes. He said that Benjamin Niccolletti would bring the books, the minute books of the Ramsey Club across to Niagara Falls, New York, to his residence, for his signature. I also asked Mr. Edwards if he had been paid for this position as president, and he stated that: "I think I told you too much already." He did later say he was given $50 by Niccolletti in order to buy equipment, sporting equipment for the club, but he couldn't recall whether he had purchased any with this money or not.

MR. WILSON: I think that is everything.

THE COMMISSIONER: Mr. Hogg?

MR. WILSON: Just a minute. Mr.Carty has a question.

MR. HOGG: Q. Were you aware ---

THE COMMISSIONER: Just a moment.

MR. HOGG: I am sorry.

MR. WILSON: Q. Well, did you ascertain from the owner of the premises at 1648 Stanley, who negotiated the lease for him being used

by the Ramsey Club?

A. Yes. I spoke to Mr.DelDuca, the owner of the premises on Stanley Avenue where the Ramsey Club was located, and he stated that the lease was negotiated by Ralph Agretti. He was the one who had spoken to him about taking over the premises, the upper portion of the building, as a club.

THE COMMISSIONER: Q. Had spoken to him or made the arrangements?

A. He had made the arrangements with him.

MR. WILSON: That is all.

EXAMINED BY MR. HOGG:

Q. I just have one question, Mr. Weller. Were you aware that Edwards was a director of the club from 1955 to 1961?

A. No. I understood he was president of this Ramsey Club.

MR. WILSON: I think you better check your records on that one.

MR. HOGG: This witness had checked the annual returns.

Q. Do they show Edwards as a director for those years?

A. I just don't recall that off-hand, sir.

THE COMMISSIONER: Shall we take ten minutes and clear this up?

MR. WILSON: I have only one more witness and will be only five minutes with him.

THE COMMISSIONER: I was wondering. There seems to be some confusion as to when Edwards was an officer and when he wasn't.

MR. HOGG: According to our information, he was in the years I have indicated. I thought this officer might have checked the records.

THE COMMISSIONER: What information have you? Where did you get it?

MR. HOGG: From the annual returns, Mr. Commissioner.

THE COMMISSIONER: Yes.

MR. WILSON: I don't think we would be able to give any information on that today. We will have it Monday.

THE COMMISSIONER: All right. Any other questions? Mr. Rose?

MR. ROSE: Yes.

EXAMINED BY MR. ROSE:

Q. When was it you had this conversation with Edwards?

A. On Tuesday, the 20th of May, sir.

Q. What year?

A. 1962, this year.

Q. And where does he live?

A. 71st Street in Niagara Falls, New York.

Q. That is where you had the conversation with him?

A. Yes, sir.

Q. I take it you said it was in August, 1959, that Riccolletti asked him to become president of the Ramsey Club?

A. That was his statement to me, sir.

Q. That would be the new Ramsey Club, then?

A. As I understand it, the new Ramsey Club.

JAMES E. SACCO, sworn

MR. SWAYZE: I appear for Mr. Sacco, Mr. Commissioner. We are not asking for the protection of The Canada Evidence Act. I just ask the usual consideration for Mr. Sacco.

THE COMMISSIONER: I don't know what you mean by "usual consideration".

MR. SWAYZE: I don't know whether my friend will be bringing out the record of Mr. Sacco, who is a reputable business man in Niagara Falls, and I would ask for the usual consideration.

THE COMMISSIONER: We will see as we go along.

EXAMINED BY MR. WILSON:

Q. Where do you reside?

A. 2187 Main Street, Niagara Falls.

Q. What is your occupation?

A. Real estatebroker.

Q. How long have you been in that business?

A. Eleven years.

Q. Are you the owner of 1693 Victoria Avenue, Niagara Falls?

A. Yes.

Q. How long have you owned that property?

A. I would say about 16 years.

Q. Am I right in saying that the following clubs have been tenants of yours at that address? The Polo Club of Windsor in 1951, 1952?

A. I believe so, yes.

Q. The Goldfield Club in ---

THE COMMISSIONER: Don't go too fast.

MR. WILSON: I am sorry. The Polo Club of Windsor.

THE COMMISSIONER: The Polo Club of Windsor.

MR. WILSON: 1951, 1952. Goldfield Club in 1954.

Q. Is that right?

A. I believe so.

Q. Well, then ---

THE COMMISSIONER: Is that all?

MR. WILSON: No.

Q. Who occupied the premises from 1954 through to 1958?

A. From 1954 to 1958. Well, my brother has been the one renting from me.

THE COMMISSIONER: Q. What is his name?

A. Peter Sacco. I don't know who occupied it, but he is the one that has been renting from me.

MR. WILSON: Q. Well, then, we come to 1958 when the Ramsey Club became the

tenant.

A. The same thing. My brother was in charge but I don't know what club was in there.

Q. You mean to say, when the Ramsey Club was there, you had no direct relationship with that at all?

A. No, definitely not.

Q. You had no direct relationship with any of the clubs that occupied your property?

A. No, sir.

Q. And did you have any knowledge at any time of what kind of activity was going on there?

A. No.

Q. And did you ever inspect the premises from time to time?

A. I have been up there probably three times, I would say roughly, in the last seven, eight, ten years.

Q. And you have no idea of who the real tenants were of those premises?

A. No, sir.

Q. At any time from 1951 through to the present time?

A. No, sir. That is my own brother.

Q. What is the use that has been made of it in the last few years?

A. That, I couldn't tell you.

Q. But he is still renting?

A. Yes.

Q. How much is he paying you for rent?

A. $50.

Q. $50 a month?

A. Yes.

MR. WILSON: That is all.

THE COMMISSIONER: Mr. Hogg?

MR. HOGG: No questions.

THE COMMISSIONER: Mr. Rose?

MR. ROSE: No questions, thank you.

THE COMMISSIONER: That is all.

---The witness retired.

MR. WILSON: That is all the witnesses I have for today, Mr. Commissioner.

THE COMMISSIONER: Monday morning at ten o'clock.

---Thereupon at 4:10 p.m. the proceedings were adjourned until Monday morning at 10:00 o'clock.

-- FILE COPY --

VOLUME NO. 56

ROYAL COMMISSION

ON CRIME

IN ONTARIO

DAILY TRANSCRIPT
OF PROCEEDINGS

Date Monday Oct. 1/62..

pp 11333 - 11485

Supreme Court Reporters
145 Yonge St.
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VOLUME 16

INDEX TO WITNESSES

INDEX TO EXHIBITS

1/SCW/1

MONDAY, OCTOBER 1, 1962

---On resuming at 11.30 a.m.

MR. WILSON: Call Lieutenant Robert Fitzsimmons.

ROBERT FITZSIMMONS, sworn,

EXAMINED BY MR. WILSON:

Q. Where do you reside?

A. 1618 Fifteenth Street, Niagara Falls, New York.

Q. And you are associated with the police force?

A. With the police force of the City of Niagara Falls, New York.

Q. What is your rank?

A. I am a detective lieutenant.

Q. And how long have you been associated with that force?

A. Sixteen and a half years, sir.

Q. Now, do you know of an individual named Jack Nicoletti?

A. Yes, sir, I do.

Q. And he resides in Niagara Falls, New York, area?

A. Yes, sir.

Q. And I understand that he has had a number of convictions for gambling offenses?

A. Yes, sir.

Q. And can you give me the particulars of those offenses?

A. Yes, sir.

Q. Have you got a list ---

THE COMMISSIONER: Do you have a list there?

A. Yes.

MR. WILSON: Q. Any documents with you to refer to?

A. Yes. Do you want me to go ahead?

Q. Yes, if you would, please?

THE COMMISSIONER: Let me see that first, please.

MR. WILSON: Q. I understand that this record goes back starting back in 1939?

A. Yes, sir.

Q. And just in chronological order, will you give us the various convictions?

A. Yes, sir. November 24th, 1939, ---

THE COMMISSIONER: '39?

A. Yes, sir, 1939, disorderly in a gaming room; fine of $10.

THE COMMISSIONER: Yes?

A. December 24th, 1939, charge of 973 of the State Penal Law, which is maintaining premises for gambling; the fine was $25.

Q. Yes?

A. On May 19th, 1940, disorderly in a crap game.

Q. May, 1940?

A. 1940, sir.

Q. Disorderly in a crap game?

A. Yes, sir.

Q. Disorderly in a crap game -- what sort of offence is that?

A. I am merely reading this from the information that I took off the arrest card which was in our file, sir.

Q. I know, but what are the particulars of that -- of that particular offence against him -- which was disorderly in a crap game? What does that mean? Is that acting disorderly in the game, or what?

A. No, I would say that he was disorderly during the raid on the gambling establishment, sir, and that is my personal opinion, sir, and the fine of that was $5.

Q. Yes?

A. July 11th, 1940, maintaining premises for gambling; a fine of $25.

Q. Yes?

A. November 29th, 1941, frequenting a gambling place; suspended sentence.

Q. Yes?

A. On November the 2nd, 1947, frequenting a gambling place; suspended sentence.

Q. Yes?

A/ January 23rd, 1948, frequenting a gambling place; sentence suspended.

Q. Yes?

A. Then in 1955, there was a raid on a gambling establishment in the City of Niagara Falls at 207 - 24th Street with some forty-eight men on the premises. The case was presented to the Grand Jury of Niagara County, and the Grand Jury indicted Benjamin Nicoletti, Dominic Nastal and others. Do you want me to list the other members?

MR. WILSON: No, I don't think we need the other names. We do, in any case where Dominic Nastal is involved, I want him mentioned.

A. Yes.

Q. Is Isadore Siegel in that list?

A. Yes, sir.

Q. I think that is the only other one we are interested in. What is Isadore Siegel known as, as a nickname?

A. Simpey, sir.

Q. Simpey?

A. Simpey.

Q. Let us go on with your----

THE COMMISSIONER: What date was this?

A. This was the Grand Jury of May, 1955, sir.

Q. The date of the raid?

A. I don't have the exact date of the raid, sir.

Q. Indicted for what?

A. They were indicted -- they indicted them for common gamblers, Section -- do you want me to read just the offenses or the number of our Penal Law?

Q. Just read whatever you have there.

A. All right, sir, I have -- they were indicted in violation of Section 970, 973, and 580 of the Penal Law of the State of New York, and on May 18th, 1955, the defendants were arraigned and all pleaded not guilty -- Benjamin Nicoletti, Dominic Mantel, and others. All of the above defendants were released on bail asfollows: $1,000 for Section 970; $1,000 for Section 973; $1,000 for Section 580.

Q. Yes?

A. On January, or June rather, June the 27th, 1955, the following defendants withdrew their former plea and pleaded guilty to the violations of Sections 970 and 580 of the Penal Law of the State of New York -- Benjamin Nicoletti, Dominic Mantel, and others.

Q. Yes?

A. And on June -- or July the 15th, 1955, the defendant Benjamin Nicoletti was fined $500 on each count; jail term of six

A. I don't know the exact date of the
[illegible].

Q. Indicated for [illegible]?

A. That was [illegible] -- [illegible] [illegible]
when the [illegible] [illegible], [illegible] -- do you
mean to say that just the [illegible] of the [illegible]
-- [illegible] [illegible]

Q. Just [illegible] [illegible] [illegible].

A. Yes [illegible], when I [illegible] -- [illegible]
were indicated in violations of [illegible]
[illegible], and [illegible] of the [illegible] [illegible] of
of the [illegible], and on May [illegible], [illegible], the
[illegible] [illegible] [illegible] [illegible]
and [illegible] -- [illegible] [illegible] [illegible] [illegible]
[illegible], and [illegible]. [illegible] of [illegible] [illegible]
were [illegible] on [illegible] [illegible]. [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
the [illegible] [illegible].

Q. [illegible]

A. On [illegible], or [illegible] [illegible], [illegible]
the area, [illegible], the [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
to the violations of [illegible] [illegible] and [illegible]
of the [illegible] [illegible] of the [illegible] of [illegible] --
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible].

Q. [illegible]

A. [illegible] -- [illegible] [illegible]
[illegible], [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]

months on the count was suspended. The defendant Mantel was fined $500 on each count and the jail term of six months on the count was suspended.

Q. Yes?

A. The defendant, Whirlpool Club Incorporated, was fined $500 and was suspended.

MR. WILSON: Q. What is the next offence on the list?

A. The next offence was on March the 23rd, 1958. It was a gambling raid on the establishment known as Algonquin Club located on West Market Street in the City of Niagara Falls.

Q. Niagara Falls, New York?

A. Niagara Falls, New York, yes, sir. Two gamblers present on the premises were permitted to enter a plea of guilty for maintaining the premises -- Vino Geraeci, Section 73 of the Penal Law ---

THE COMMISSIONER: How do you spell that? Who is Geraeci?

A. G-e-r-a-s-c-i.

Q. And who else?

A. John Terone.

Q. They pleaded guilty?

A. They pleaded guilty to 973 and paid a fine of $100. Gambling equipment and about $1500 in cash was confiscated.

Q. Yes?

A. This case was then presented to the grand jury.

MR. WILSON: Q. You were the officer who had this club under surveillance, I understand, for three months at that time?

A. About that times, yes, sir.

Q. About that time?

A. Yes, sir. This caseweas presented to the grand jury, and the grand jury indicted Benjamin Nicoletti and Dominic Mantel as being common gamblers in violation of Section 970 and 973, which is maintaining premises for gambling.

THE COMMISSIONER: Yes?

A. This case was set for trial, and after the jury had been selected, Nicoletti and Mantel pled guilty to 973, which is maintaining premises for gambling. Both were sentenced to one year in the Erie County Penitentiary which was suspended, and both

A/2 were fined $500.

MR. WILSON: Is there something ---

THE COMMISSIONER: Just a moment, please. Sentenced to one year, did you say?

A. Yes, sir, in the Erie County Penitentiary.

Q. Suspended?

A. Sentence was suspended, and both were fined $500.

MR. WILSON: Q. Something further in 1962?

A. In July -- the 20th, 1962, there was a raid on a gambling establishment at 207 24th Street, Niagara Falls, New York. Benjamin Nicoletti was arraigned and charged with maintaining a common gambling --- The case was disposed of in the City Court.

Q. Yes?

A. On September the 5th, 1962, Benjamin Nicoletti pled guilty to Section 973. He was fined $250, and thirty days suspended sentence in the Niagara County Jail.

Q. I would like you to look at two photographs which are filedhere as Exhibit No. ---

THE REGISTRAR: Exhibit No. 261, Benjamin Nicoletti.

MR. WILSON: Q. Looking at Exhibit 261, do you recognize the person who is photographed as shown?

A. Yes, sir, I do.

Q. It is whom?

A. That is Benjamin Nicoletti.

MR. WILSON: And the other exhibit number?

THE REGISTRAR: 260.

MR. WILSON: Exhibit 260.

A. Yes, sir ---

Q. Do you recognize that person?

A. Yes, sir, I do.

Q. And that is --

A. Dominic Mantel, sir.

MR. WILSON: That is all, thank you.

---The witness withdrew.

MR. WILSON: Mr. Commissioner, I would like to have about a ten minute recess as I haven't had a chance to talk to certain witnesses whom I now propose to put in the box. I have about three other witnesses waiting to go in the box.

THE COMMISSIONER: All right.

---A short recess.

(Page 11343 follows)

B/1/43

JOHN O'NEILL, sworn

THE COMMISSIONER: Do you spell it with two l's?

THE WITNESS: I do.

EXAMINED BY MR. WILSON:

Q. You reside in Detroit, Michigan?

A. I do.

Q. And you are a Lieutenant with the Detroit Police Force?

A. I am.

Q. How long have you been with that Force?

A. Approximately seventeen years.

Q. And in the course of your duties, have you run across these three people: William Giacalone, Anthony or Tony Giacalone, and Edward Guarella.

A. The first two subjects, I have heard mention of them; the third party I have not personally, but the city police have.

Q. In other words, you know these three by reputation?

A. I do.

Q. Now, will you deal first with Giacalone; and if you want to refer to your notes, for the purpose of giving the history of these gentlemen, as the police know it to

be in Detroit.

A. Yes, I will.

THE COMMISSIONER: What is the first?

MR. WILSON: Q. William. Possibly before you deal with William, you might tell us what your relationship is between these gentlemen, these two members, Tony and Billy.

A. Tony Giacalone resides at 701 Balfour, Grosse Point.

THE COMMISSIONER: Spell it.

A. B-a-l-f-o-u-r. He has, approximately, a home in excess of $100,000. He is allegedly the head of the syndicate in the Detroit area.

MR. WILSON: Q. Well, when you speak of the syndicate, what do you mean by that?

A. The gambling faction in the Detroit area.

Q. Yes.

A. His brother Vito ---

THE COMMISSIONER: Not too quickly, please.

THE WITNESS: Also known as Billy Giacalone, works for his brother Tony, and he resides at 951 Nottingham, in Grosse Point, and he has approximately has a new home under construction that cost in excess of $80,000.

MR. WILSON: Q. Now, have either of these men - have they had any gainful

employment over the years, to your knowledge?

A. Yes. Tony Giacalone and his brother are presently owners of the Home Juices in the Detroit area. This is a beverage that is delivered to grocery stores, general stores and to individuals at their homes.

Tony also is an only representative of several companies inthe Detroit area.

Q. And how long have they had these? How long have they been interested in these enterprises?

A. I would say approximately for the past ten years.

Q. And prior to that date, did they have known legitimate occupation?

A. Not to my knowledge.

Q. Now possibly then, with that background in mind, deal with William first, or Vito.

A. Yes, I will.

On December the 29th, 1959, following a lengthy investigation by officers of the Vice Bureau and Racket Squad of the Detroit Police Department, on the Lebenese-American Republican Club, located at 535 Orleans, in the City of Detroit: Officers raided these premises, and found a barbuit game in existence at the time, and Vito Giacalone was operating

this.

He and eleven other members were arrested for conspiracy, to violate the City gambling law.

Q. What was the outcome of that arrest?

A. I will give you that in a moment, sir.

On October 17th of 1950, the Honourable Joseph Gillies of the Recorders Court of the City of Detroit, following the conviction of nine members of this barbuit game, including Vita Giacalone, did this: Vito was fined $300, or 90 days in the Detroit House of Correction; the eight others that were found guilty at this time received like sentences.

Now, following this conviction, Vita Giacalone moved his base of operations from the City of Detroit, to the City of Highland Park, where he remained for approximately one year and a half; and earlier this year he moved his operation back to the City of Detroit.

THE COMMISSIONER: Just a moment. He went to Highland Park?

MR. WILSON: Could you go a little slower?

THE COMMISSIONER: Highland Park, and remained for how long?

A. Approximately one year and a

half.

Q. And then moved back where?

A. Recently this year, he moved back to 106 West Columbia, in the City of Detroit.

Q. That is the Lebonese-American ---

A. That is the Leaside.

Q. What is the address of the Lebonese-American Club?

A. 535 Orleans.

Q. 535 Orleans?

A. City of Detroit.

Q. And in 1962 he moved where?

A. He moved to 106 West Columbia, in the City of Detroit.

Now, he operated from this location, for approximately three months; but because of constant harrassment by members of the Detroit Police Department, he moved again outside of the city limits, to the City of Ecorse, Michigan.

Q. When?

A. I would say approximately six weeks ago.

And approximately two weeks ago, his club in Ecorse was raided by Mayor Elayer Chewingum.

Q. What is the name of the club in Ecorse?

A. I do not have the name of it.

Q. The premises there used as a club.

A. It is used as a club? The premises are chartered by the State Securities Commission of the State of Michigan.

Q. Just a moment. He moved six weeks ago to Roosa?

A. And he was subsequently raided by the Mayor of Roosa.

Q. Yes?

A. At the time of the raid there were no persons on the premises, and the furniture and equipment was confiscated and destroyed.

Q. What was the nature of the equipment?

A. Pool tables; chairs, and ordinary tables. Equipment that would be used in a barbuit game.

Q. Now, with the police, what is his reputation as to the level he occupies in the gambling fraternity in Detroit?

A. Vito Giacalone works for his brother Tony, and he does operate gambling enterprises. He actually manages the operation of gambling enterprises in and around the Detroit area.

(Page 11349 follows)

Q. What is the nature of the gambling operations said to be connected?

A. Barbuit games.

Q. Just barbuit games?

A. Barbuit games, yes.

Q. What about the numbers?

A. His brother Tony is allegedly involved in the numbers racket.

Q. Yes.

A. Along with the wire service, distribution of wire service in the Detroit area.

Q. Well, then, you say it is Tony that is involved in the numbers and the wire service. In connection with the wire services is there any Canadian tie-up in that operation?

A. Back in 1951 members of the Vice Bureau of the Detroit Police Department in a joint investigation with Windsor authorities smashed the wire service between Detroit and Windsor. At that time Tony Giacalone was allegedly the head of the wire service in Detroit and Howard Kerr was the head man in the Windsor area.

Q. Has that been operating since that time, as between Detroit and Windsor, to your knowledge?

A. Not since that time.

Q. No.

A. Not since we smashed the wire service.

Q. And do you know of any connection between the bookmakers, say, in the Detroit area and those in the Windsor area?

A. Not presently.

Q. No. Well, in what period would you say that any such connection did exist?

A. You have to go back some years.

Q. Do you have to go back some years?

A. You have to go back to 1951 or 1952.

Q. And we are speaking of the Giacalones. We have filed here as Exhibit 263 a picture. (Producing Exhibit 263 to the witness)

A. Yes. This is a Detroit Police photo of Billy Giacalone.

Q. Now, Edward Guarella, is he tied in with the Giacalones or does he operate independently of that?

A. That is a question I could not answer.

Q. No. Well, what could you tell us about the knowledge of the police in Detroit of Edward Guarella?

A. Eddie Guarella was arrested at the Star Social Club in Madison Heights by the State Police earlier in this year. He was

managing the premises.

THE COMMISSIONER: Is that in Detroit?

A. That is in Madison Heights, Michigan.

MR. WILSON: Q. Is that a suburb of Detroit?

A. It is a suburb of Detroit. It is a location in which we have no jurisdiction.

Q. And the club, I take it, was a chartered club?

A. This is a chartered club.

Q. Subject to the jurisdiction of what authority? How are those clubs controled, by the S.E.C.?

A. Actually they are not controlled, they are chartered by the Corporation and Securities Commission and they have no powers to actually frequent the premises to check on conditions. That is left up entirely to the local police agencies.

Q. That is, as you say, was outside of the Detroit City Police Department?

A. That is true.

Q. Now, what criminal activities had, that is Guarella, been involved in?

A. Well, Eddy Guarella has had three arrests and one conviction for loitering in a place of illegal activity, gambling. I do not have the date or conviction of that arrest. He also has a third arrest for violation of the State gambling law and, of

course, his most recent arrest by the State Police at the Star Social Club which he allegedly managed.

Q. Now, his history in regard to association with gambling goes back how far?

A. I couldn't say.

Q. But does it go back to -- can you say for sure that it goes back, say, five years?

A. It goes back at least five years. I do not have the dates of the arrests but I know it goes back beyond five years.

Q. And the Giacalones' association with gambling in the Detroit area, how far back does that go without trying to be too specific?

A. To my knowledge back to 1951. It was in 1952 that Tony Giacalone was convicted of attempting to bribe a Detroit vice squad officer.

Q. Which?

A. Tony Giacalone.

Q. Tony, yes?

A. Yes. And he received a $500 fine and eight months in the Detroit House of Correction for this attempted bribery. He was found guilty in court.

Q. Both Tony and Vito, or Billy, they have both prior records?

A. That is correct.

Q. Yes. Extending over a period of years?

A. Yes, sir.

C/2 Q. Do you know anything about Dominic Carrado?

A. Yes. Dominic Carrado is the son of the late Pete Carrado. He formerly owned Konkocini's Gardens, a beer garden in Detroit, in the downtown area.

THE COMMISSIONER: Q. Who, Dominic?

A. Dominic.

Q. Owned what? A beer garden?

A. Konkocini.

Q. Spell it?

A. K-o-n-k-o-c-c-o-n-i. And he is also a partner in the Grecian Gardens located on Munro Avenue in the City of Detroit. I have some additional information if I may check my notes.

MR. WILSON: Q. Yes, sure.

A. He is also a president of the Erie Baking Company located at 673 Erie Street, Windsor, Ontario. His brother Anthony J. is secretary, and his brother-in-law ---

THE COMMISSIONER: Q. One moment. Yes?

A. Walter Cavataio is listed as the owner of the Erie Baking Company.

Q. Spell it?

A. C-a-v-a-t-a-i-o.

Q. Is the baking company incorporated?

MR. WILSON: I beg your pardon?

THE COMMISSIONER: Q. Is the Erie Baking Company limited company?

MR. WILSON: Yes, I believe so. I believe it is bankrupt now. I will have to check to be sure.

THE COMMISSIONER: Q. Where did Peter live?

A. Peter lived at 701 Middlesex, Grosse Point Park. One of the alleged money backers of this Erie Baking Company is reputed to be Nick Cicchini who resides in Windsor.

Q. Spell it?

A. C-i-c-c-i-h-i-n-i.

Q. This Erie Baking Company, do they ship bread to Detroit, do you know?

A. Not to my knowledge.

MR. WILSON: Q. Has Carrado any criminal record?

A. Dominic Carrado has no criminal record.

Q. Do you know of a man named William Tocco and his brother Anthony Tocco?

A. I do.

Q. And also a third brother, Jack W. Tocco?

A. Yes.

Q. Have any of these three men got criminal records in the Detroit area?

A. They do not.

Q. They do not?

A. The Toccos are sons of Black Bill Tocco.

Q. And are they engaged in business enterprises, these three brothers?

A. Yes, they are. They are involved in the Hazel Park Racing Association, a track, and the actual operation, they own considerable stock in the Hazel Park Racing Track and also the Wheeling, West Virginia, track.

THE COMMISSIONER: Q. What do you call the track in Detroit?

A. Hazel Park.

MR. WILSON: Hazel Park.

Q. Where is the other?

A. Wheeling, West Virginia.

Q. What is the name of that?

A. Wheeling Racing Association.

Q. They are both recognized as quite legitimate racing tracks?

A. They are.

Q. Do you know a Vincent Mali? I don't know how to pronounce it. M-a-l-i.

A. Vincent Mali.

Q. Mali?

A. Vincent A. Mali.

Q. Has he any criminal record?

A. He was arrested in 19--, I believe, '54,

for conspiracy to extort. He was tried and found not guilty in Detroit.

Q. There is no conviction?

A. No conviction.

Q. No conviction against him for any criminal offence? What does he do for a living?

A. Vincent Nali owned Meltone Music. He is a brother-in-law of Bill Buffalino who is the head of Local 985, Teamsters Union in Detroit which controls the juke box industry.

THE COMMISSIONER: Q. Vincent Nali owned Meltone Music?

A. That is correct.

Q. What did you say next?

A. He is a brother-in-law of William Buffalino who is the head of 985 of the Teamsters Union which controls the juke box industry in Detroit.

Q. Local what?

A. 985. The Union has jurisdiction over the placing of juke boxes or the dues paid to the Union.

Q. I just don't follow that. There are several premises, I suppose?

A. Several thousand premises in Detroit.

Q. And are they owned by the proprietors of places where they are installed?

A. No, they are not, they are owned by individuals or companies and Vincent Mali has several hundred juke boxes in various locations in the Detroit area.

Q. Yes. Now, what is the name of his brother-in-law?

A. William E. Buffalino.

Q. Spell it?

A. B-u-f-f-a-l-i-n-o.

Q. Vincent Mali owns a number of these juke boxes?

A. Yes.

Q. They are controlled by the local members, by the Teamsters Union? I don't quite understand what you mean when you said they were controlled by the Union?

A. Mr. Commissioner, I mean by that that the juke boxes come under the jurisdiction of Local 985 of the Teamsters Union just like truckers do under various locals of the Teamsters Union and they have to pay dues to the Teamsters wherever they have boxes installed.

Q. The proprietors of these places pay dues to the Teamsters Union?

A. They do. Also the owners of the juke boxes pay dues for the employees that maintain the boxes at various locations.

MR. WILSON: Q. There is nothing illegal about the ownership or use of a juke

box in your area?

A. Nothing at all.

THE COMMISSIONER: Q. In the hierarchy of the persons engaged in criminal activities in Detroit, how high up the ladder would Giacalone -- William -- be according to the police?

A. William Giacalone, I would say, is considered a big man in Detroit gambling

C/3 but he is not at the top.

Q. His activities are confined to gambling?

A. To gambling and managing gambling enterprises and clubs.

Q. How close to the top do you reckon he is?

A. It would be difficult to say, Mr. Commissioner.

Q. He is recognized as one of the top men in that particular branch?

A. The best known hoodlum in the Detroit area.

Q. How long has he been so recognized?

A. Oh, far at least ten years.

(Page 11370 follows)

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THE COMMISSIONER: Q. Is he a man who exercises considerable power in that fraternity?

A. I would say so, but not nearly as much as his brother.

Q. Not as much as Tony?

A. Tony is the boss.

Q. He is boss. How old a man is William Giacalone?

A. Without referring to my notes, I would say he is in the area of forty.

Q. Is Tony older than Bill?

A. Yes.

Q. Much?

A. No, not much. Just a few years, sir.

Q. Thank you.

A. You are quite welcome, sir.

THE COMMISSIONER: Just a moment before you leave the box.

Q. Do you know the man Finnigan spoke of?

MR. WILSON: Glassman. I don't think this witness knows him.

THE WITNESS: I have no knowledge of him. I believe it is Nate Glassman. We checked our records and we have nothing in our records to indicate he has ever been arrested in the Detroit area.

THE COMMISSIONER: Thank you.

THE WITNESS: Yes, sir.

---The witness retired.

MR. WILSON: I will call Mr. Howe.

JOHN HOWE, sworn

EXAMINED BY MR. WILSON:

Q. You are a chartered accountant?

A. I am.

Q. Practising in the City of Niagara Falls, Ontario?

A. Yes.

Q. And the name of your firm is Howe, Bailey and Company, at 1733 Victoria Avenue, or have you changed it since then?

A. The address is 1156 Victoria Avenue.

Q. Did you keep the books for what is known as the Ramsey Club?

A. We wrote up accounting records from information supplied to us.

Q. By whom?

A. By Ralph Agretti and Alfred Ross.

Q. Alfred Ross is also known as Syd Ross.

THE COMMISSIONER: The man's first name was what?

MR. WILSON: Ralph.

THE COMMISSIONER: Q. When did you start doing this?

A. Actually the books are here. We could tell from the books.

Q. What year, roughly?

A. '57.

THE COMMISSIONER: Yes.

MR. WILSON: Q. Then how long did you continue to make up the reports for the Ramsey Club?

A. I would say it extended to some date into 1959.

Q. So that your services were used while the club was operating at both 1693 Victoria and also 1648 Stanley?

A. I would say so, yes.

Q. It wasn't, I take it, in any sense an audit?

A. No, absolutely not.

Q. In other words, they approached you with some figures and you made up a statement?

A. That is correct.

Q. In other words -- what did they indicate was the source of the revenue that the club got?

A. Well, as I recall, the main source was membership fees and fees for different games, card games, billiards. I believe at one time there was some revenue from food.

Q. You never made any check?

A. No.

Q. Against any documents?

A. None whatsoever.

Q. And when the change of address took place from Victoria Avenue to Stanley, I am

informed that the renovation costs were in the neighbourhood of $5,000. Did they show up anywhere, in any statements that you prepared?

A. Not that I can recall, no.

Q. Have you any knowledge as to what happened to the fixed assets of this club after it ceased to operate?

A. None, whatsoever.

Q. Now, in connection with the club, did you have ---

THE COMMISSIONER: Q. Didn't they have a bank account?

A. Yes.

Q. Do you know where?

A. The Royal Bank of Canada, 1733 Victoria Avenue.

MR. WILSON: Q. We had a check the other day, Mr. Commissioner.

THE WITNESS: Niagara Falls.

MR. WILSON: That Ralph Agretti made out.

Q. The Royal Bank, Niagara Falls, Centre Branch?

A. That is right.

Q. You had some dealings, I understand, with both Albert and Louis Iannuzzelli in connection with the Ramsey Club?

A. Yes.

Q. And I show you a copy of a letter dated July 6th, that you wrote to the

Unemployment Insurance Commission at Niagara Falls, and a copy of a letter of August 24th, 1959, which you wrote to S.H. Fleming, Q.C., of St.Catharines. Both letters headed: "Re Ramsey Club". (Produced)

A. Yes.

Q. How did you come to enter into correspondence with the Unemployment Insurance Commission?

A. This correspondence was entered into at the request of Albert Iannuzzelli, who was anxious to obtain an unemployment insurance licence for the Ramsey Club in order that Ralph Agretti could be covered by unemployment insurance.

Q. I see that in the letter of July 6th, 1959, addressed to the Unemployment Insurance Commission, you list the officers, Edwards, as president, and the others?

A. Yes.

Q. Did any of these officers ever attend on you at any time when you were dealing with the matters?

A. The only one I ever saw was Ralph Agretti.

Q. The steward?

A. Yes.

Q. You never saw Edwards at any time?

A. No.

Q. It was on the instructions, you say, of Albert Iannuzzelli that you dealt with that matter?

A. Yes.

Q. Now I show you a copy of a letter dated November 7th, 1958, from yourself to Louis Iannuzzelli. It apparently deals with some problem under the Income Tax Act.

A. Yes.

Q. Would you just tell us what that matter was that you were dealing with there?

A. As I recall this, this was a formal request from the Department of National Revenue, Taxation Division, St.Catharines, whereby they were trying to establish whether or not the Ramsey Club was a non-profit organization. As I recall, they asked for a copy of the charter and probably the by-laws and the minutes, to establish those. I did not have any of this information.

Q. And you obtained it from whom?

A. According to what I have here, I don't know whether I ever obtained it. I forwarded this and my letters to Louis Iannuzzelli and suggested his lawyer could supply the information requested.

Q. You were dealing with the Ramsey Club, I take it, at that time, on the instructions of Louis Iannuzzelli?

A. Yes, I would say so.

Q. From time to time, I take it, you did deal with matters pertaining to the Ramsey Club on the instructions of either Albert or Louis Iannuzzelli?

A. That is correct.

THE COMMISSIONER: Is that all, Mr. Wilson?

MR. WILSON: That is all from this witness, yes.

EXAMINED BY MR. ROSE:

Q. This letter of July the 6th, 1959, to the Unemployment Insurance Commission, was a request for an Unemployment Insurance Commission licence for the premises of the Ramsey Club?

A. Yes.

Q. For the purpose of possibly obtaining for Ralph Agretti, unemployment insurance payments?

A. That is right.

Q. And he was the secretary-treasurer at that time?

A. According to that letter, he was., yes.

Q. And he is the person, you say,

concerned with in this letter?

A. Although at that time Albert Iannuzzelli came in previous to this and an application was filed and they requested additional information.

Q. Yes. Well, he gave evidence concerning Ralph Agretti. He spoke, too, about this matter.

A. Yes.

Q. So in your letter of August 24th, when you wrote to Mr. Fleming, re the Ramsey Club, that is where you were sending copies of the letter concerning Ralph Agretti?

A. Yes.

Q. In connection with the Ramsey Club?

A. Yes.

Q. Mr. Fleming acted for Ralph Agretti, did he not?

A. I can't answer that.

Q. And the letter of November, 1958, to Louis Iannuzzello, it is a letter received from the Department of National Revenue, Taxation Division, you say his lawyer can supply the information requested?

A. That could be a copy of the charter and minutes or by-laws.

Q. You received no reply to the letter you sent to Louis Iannuzzelli?

A. No, not to my knowledge.

Q. You don't know who he turned it over to, or what he did with it?

A. I have no idea.

Q. Why would you not write to Ralph Agretti? Did you have his address?

A. I know his address is on Centre Street. I imagine if I was writing to Mr. Louis Iannuzzelli, he was probably in the office asking me to look after the matter.

MR. ROSE: All right, thank you.

THE COMMISSIONER: We better have them filed as exhibits.

MR. WILSON: Yes. I think I read them into the record, however, to make sure.

---EXHIBIT NO. 270: Three letters written re Ramsey Club from J.E.Howe.

MR. WILSON: That is all.

---The witness retired.

MR. WILSON: I will call Mr. Hochvert.

GEORGE HOCHVERT, sworn

EXAMINED BY MR. WILSON:

Q. Now, where do you reside?

A. Buffalo, New York.

Q. How old are you?

A. Fifty-three.

Q. What is your occupation?

A. I am unemployed at the present time.

Q. And formerly you were engaged where?

A. At Bethlehem Steel.

MR. WILSON: There is some question, Mr. Commissioner -- this witness is not represented by counsel and I don't know whether he understands our laws. And further, there is some question, as we proceed, as to whether he feels like talking in open court, so we will just have to see what occurs as we go along.

THE COMMISSIONER: All right.

MR. WILSON: Q. Now, you used to attend the gambling establishment in Bertie Township known as Merchant,Navy -- Canadian Merchant Navy Veterans Association or Club?

A. At one time.

Q. And did you go there quite regularly?

A. Yes.

Q. And do you remember about what period of time that would be?

A. No, I don't remember that.

Q. Well, would it be prior, say, to 1957?

A. I believe so.

Q. Well, at all times, when you were first there, it was known as the Merchant Navy?

A. I don't know for sure whether it had that name or not. I think it had another name at that time.

Q. Earlier than that?

A. Yes, I believe so.

Q. The Lorelei?

A. That was the club, Lorelei, at the racetrack.

Q. It changed its location. Did you go to the old Lorelei?

A. Yes.

Q. After it changed its location because the racing association bought the property, you then went to the new premises?

A. Yes.

Q. At Thompson Road, I think it was?

A. Yes, Thompson Road.

Q. Thompson Road, after the changeover from the racetrack location. Who were the people who were operating the club?

A. Felix Borelli and Ben Niccolletti, I believe.

Q. I think I heard Felix Borelli but I didn't get the other one?

A. Ben Nimolletti.

Q. Ben Nimolletti. And he was known to you, was he?

A. I believe so, yes.

Q. Well, I mean, do you know ---

A. I know who he is, yes.

Q. Did you know where he was from at that time?

A. Yes, the Falls, New York.

Q. You knew where Felix Borelli was from?

A. No, I didn't know where he was from.

Q. You didn't know where he was from. And then, how long did Niswolletti stay in that operation?

A. I don't know exactly how long.

Q. Well, did there come a time when he left to go elsewhere?

A. I believe so.

Q. To your knowledge?

A. As far as I knew, yes.

Q. Did you go to some other club in the area?

A. In New York State.

Q. What about Niagara Falls, Ontario?

A. Yes.

Q. I mean later, you did go to some club?

A. Yes.

Q. Where he was concerned with the operation?

A. Yes.

Q. And was that the Ramsey Club?

A. I believe it is called that.

Q. On Victoria Avenue?

A. I believe it is called that.

Q. And when he moved over to the Ramsey Club on Victoria Avenue, who else appeared to be associated there?

A. I believe his son-in-law was there with him. Dominic.

Q. Dominic Mantele?

A. I think that is the name.

Q. Now, what type of operation -- Before we come to that. Then after the Ramsey Club moved over to Stanley Avenue from Victoria, did you attend there, too?

A. I don't know about that. Stanley Avenue? I am not sure about that.

Q. I don't wish to confuse you. The address was changed from Victoria to Stanley.

A. I don't remember the Stanley Avenue address.

Q. Well, did the Ramsey Club

change its location?

A. I believe it did, yes.

Q. Well, do you remember where you went to after the change?

A. Up over a tinsmith shop.

Q. Over a tinsmith shop. I take it, you are not familiar with what the street might be?

A. No.

Q. Where was the first one located? Over what? Or do you remember?

A. No, I don't remember that, either.

Q. Now, what was the game that was beingcarried on at Bertie Township?

A. It was a dice game.

Q. A bank game?

A. It was a house game.

Q. What do you mean by "house game"?

A. The house covered all bets.

Q. And then in Niagara Falls, Ontario, what type of game was it?

A. The same kind.

Q. The same, house game?

A. Yes.

Q. After Ben Niccolletti moved from Bertie Township over to Niagara Falls, who carried on at the Bertie Township operation?

A. I believe Felix Borelli did.

Q. Well, again you believe. You were there after?

A. No, I didn't go there.

Q. Pardon?

A. I didn't go there after that.

Q. You didn't go there after Niccolletti left?

A. No.

Q. How would you know that Niccolletti wasn't there if you didn't go after he left?

A. He was at the other place.

Q. Oh, you would see him at the other place? So that anything as to what you know about the change of name in the Bertie Township operation ---

A. No ---

Q. Anything you can tell us about Bertie after Niccolletti left there, would be based on what somebody else had told you?

A. That is right.

D/3 Q. Now, were you ever at the premises of either this Bertie Township operation or the Ramsey operation in Niagara Falls, when warnings of raids were given?

A. Yes.

Q. Was it ---

THE COMMISSIONER: Just a moment. Yes?

MR. WILSON: Q. I will deal first with the Bertie Township operation. How would the warning be given?

A. Well, the man on the door would sound the buzzer to let them know that somebody was coming up.

Q. And then what would happen?

A. Well then, they would clear off the table and put everything away. They put balls on the table and cue sticks.

THE COMMISSIONER: Q. What is that?

A. Put billiard and cue sticks on the table.

MR. WILSON: Q. Did that happen on more than one occasion when you were at the Bertie Township?

A. It happened two or three times.

Q. It happened two or three times. About how long after the signal would the police arrive?

A. Oh, a short time later.

Q. A short time later. Now, in connection with the Ramsey Club in Niagara Falls, Ontario, when you were there, were there any ---

THE COMMISSIONER: Just a moment.

Q. You say: "a short time later". What do you mean? A matter of minutes or a matter of hours?

A. About ten or fifteen minutes.

MR. WILSON: Q. Now, at the Ramsey Club ---

THE COMMISSIONER: Q. What I can't see is that the man on the door wouldn't ring the buzzer because the police were right there.

A. No.

Q. They would be some place on their way?

A. That is right.

Q. Ten or fifteen minutes would elapse before they arrived?

A. That is right.

Q. And during that ten or fifteen minutes ---

A. Everything would be cleared away.

Q. All right. How often did that happen?

A. Two or three times.

THE COMMISSIONER: All right.

MR. WILSON: Q. At the Ramsey Club, did you have a similar experience there?

A. The same procedure.

Q. At both locations in Niagara Falls, Ontario?

A. Yes.

Q. And there again, what would be the time element?

A. About ten or fifteen minutes.

Q. About ten or fifteen minutes. About how many times in the two locations in Niagara Falls were you present when this occurred?

A. About two times.

Q. About two times. And would those in charge of the game tell you what to do?

A. Yes.

THE COMMISSIONER: Q. Who were those who told you what to do?

A. Ben Miscolletti and Felix Borelli.

MR. WILSON: Q. Did you ever pay a membership?

A. No.

Q. At any of these clubs?

A. No.

Q. Did you ever know anyone that ever did?

A. No.

THE COMMISSIONER: Q. You live in Buffalo?

A. Yes, sir.

Q. And have you always lived in Buffalo?

A. Since 1932.

Q. Were you ever arrested as a found-in at any of these places in the Bertie Township?

A. No, sir.

Q. Or the Ramsey?

A. No, sir.

Q. How did it come about that you got here today?

A. Mr. Anderson spoke to me and asked me to testify.

Q. How did he know that you know these clubs?

A. I was stopped while I was driving for the Club Lorelei one night and they asked me where I was going, and I told them. They stopped me then and got my name and address. Mr. Anderson came over to the house and spoke to me.

Q. I see. Have you any police record, yourself?

A. Yes, I have.

Q. What is your record?

A. I was arrested in 1958 on a false charge.

Q. Tell me about the convictions that are against you.

A. Well, I was convicted in 1929 for burglary and larceny and that was a false charge.

MR. ROSE: I am sorry.

THE COMMISSIONER: He was convicted for burglary.

Q. And what else?

A. And a larceny charge, at Ozark, Missouri. I didn't have any counsel or anything and I had $84 on me at the time, and the fellow ---

Q. Did you plead guilty?

A. No, I did not. But they convicted me anyway because I had $84 on me and the fellow who claimed he had been robbed, claimed he lost $77.

Q. That was in 1939. What other convictions and where?

A. Buffalo, New York, in 1958. I was arrested on a false charge of burglary there.

Q. And convicted?

A. No. Discharged.

Q. Yes?

A. And in 1960 I was arrested for having burglars' tools, they claimed. I had a tire iron.

Q. Convicted?

A. Convicted and suspended.

Q. Yes?

A. That is all.

Q. You are not employed now. How long have you been unemployed?

A. I just got out of the hospital on September 4th.

Q. How long were you in the hospital?

A. From July 25th to September 4th, Veterans Hospital, Buffalo.

Q. And prior to July?

A. From July 25th.

Q. Prior to the time you went into the hospital on July 25th?

A. I was employed at the time, self-employed.

Q. Self-employed?

A. Selling novelties, balloons, at carnivals, parades, and things like that.

Q. How long had you been doing that?

A. Since May, 1951.

Q. And prior to that?

A. Jewel Tea Company before that.

Q. As what?

A. As a driver-salesman for them.

Q. Where is their place of business?

A. Sheridan Drive, Buffalo, and their headquarters, Barrington, Illinois.

Q. What were you doing?

A. Driver-salesman. They have a fleet of trucks and they go from house to house.

Q. How long had you been employed by that outfit?

A. About seven months.

Q. And prior to that?

A. Bethlehem Steel.

Q. What did you do there?

A. Coil marker.

Q. Coil marker. How long were you with Bethlehem Steel?

A. About six years.

Q. Are you married or single?

A. Married.

Q. Living with your wife?

A. Yes, sir.

Q. When did you leave Buffalo to come here?

A. This morning.

Q. How did you get here?

A. Mr. Anderson.

Q. It is unusual for someone from the United States to come over here voluntarily. I wish there were more. What induced you to do it?

A. I promised Mr. Anderson I would.

Q. When did you do that?

A. Oh, quite a while back I decided to do this, for quite a few months now and I finally decided to do it today.

THE COMMISSIONER: Mr. Rose?

MR. ROSE: I have a few questions, Mr. Commissioner. I see it is now five minutes after one.

THE COMMISSIONER: How long will it

take?

MR. ROSE: About ten or fifteen minutes.

THE COMMISSIONER: Two-fifteen.

---Whereupon at 1:05 p.m. further proceedings were then adjourned until 2:15 p.m.

(Page 11395 follows)

AA/SGW/1

---On resuming at 2.22 p.m.

---The witness resumed the stand.

THE COMMISSIONER: Mr. Rose?

CROSS-EXAMINATION BY MR. ROSE:

Q. Mr. Hochvert, I understand that you told the Commissioner this morning that in 1929 you were charged and convicted of burglary and larceny?

A. That's right.

Q. And do I take it that you said that that charge was untrue -- that it was false?

A. That's true.

Q. And that you were unjustly convicted on that charge?

A. Right.

Q. That is correct?

A. That's right.

Q. Then in 1958, you say you were arrested for burglary?

A. That's true.

Q. But that that also was a false charge also?

A. That was.

Q. That was false?

A. That charge was.

Q. It was a false charge, the same as the one in 1929?

A. That's right.

THE COMMISSIONER: You were acquitted?

A. Yes.

MR. ROSE: Q. And in 1960 you were arrested, and once again it was on a charge of burglary -- possession of burglar's tools?

A. That's right.

Q. You were convicted?

A. That's right.

Q. Was that a false charge also?

A. It was, because I got through work at 11.00 o'clock on March the 5th ---

Q. I don't want to go into it really.

THE COMMISSIONER: Well, give him a chance to answer.

A. I got through work. I had a false arrest case going at the time.

MR. ROSE: Q. A what?

A. I had a false arrest case going at the time.

Q. Were you suing somebody?

A. I was suing the two officers that arrested me in 1958.

Q. That's burglary?

A. That's right, and I got through work, that's at Bethlehem Steel, on March 5th at 11.00 p.m. I went to the Lafayette Theatre for a late show, and I was going home that night, and got as far as Hinman Avenue and Military Road and there was a large snowbank on the right

MR. ROSE:

and I saw this tire iron sticking out of the snow-bank. I got out to pick it up, and when I did two officers ran across the street and grabbed me. They took me to Thor Power Tool Company and went through the back door, and they told me the back door had been jimmied, and the window broken, and that someone had gotten in there and they charged me with burglary and possession of burglary tools. They dropped the burglary charge and the charge was of burglary tools, because I had a tire iron in my hand when they took me to the Thor Power Tool Company, and one officer told me to put the iron arm on the desk, and I started to put it on the desk, and the other officer hit me and broke my jaw. They put me in the hospital for eight days before they took me to Court, because they didn't want anybody to see what was wrong. They also told the newspapers that I had tried to hit one of the officers with the tire arm and that's why he hit me.

Q. And I presume -- I presume that you gave this story in court too, didn't you?

A. Yes.

Q. But you were convicted nonetheless?

A. I was convicted and given a suspended sentence, and in this other case the officers must have been waiting to see if some one was going to pick up this tire arm.

THE COMMISSIONER: I don't want to hear about that. I'm not trying the case.

MR. ROSE: Q. But you were arrested by the officers?

A. That's right, that's perhaps my false arrest case.

Q. You say that you left Buffalo this morning, was it?

A. Yes, sir.

Q. And came over here?

A. Yes, sir.

Q. Who did you come over with?

A. Mr. Andersen.

Q. He picked you up in Buffalo?

A. Yes.

Q. When was it that you intimated to Mr. Andersen that you would be coming over here to give evidence?

A. Well, I have been speaking with him since 1956, I believe.

Q. I see. And you met him in 1956?

A. Yes.

Q. Did I understand you correctly to say that you met him either going to or coming from the night club?

A. Coming across the border, I was stopped at the border.

Q. Going which way?

A. Going to Canada. Then they asked me where I was going. I told them I was going

to the Club Lorelei. They stopped me, and then Anderson spoke to me at that time.

Q. What about?

A. Well, he asked me where I was going. I told him, andhe asked if I would be willing to give evidence, and I told him, "Yes".

Q. About what?

A. About the game.

Q. Where?

A. At the Club Lorelei.

Q. The Lorelei?

A. The Lorelei.

Q. He asked you at that time?

A. Yes, sir.

Q. And you said that you would be prepared to give evidence at any time?

A. Yes.

Q. Did you go to the Club Lorelei after that occasion?

A. No, they wouldn't let me in.

Q. Did you go to any other club after that occasion?

A. Yes.

Q. Which one?

A. The Ramsay Club and the Merchants -- the Sea Merchants -- the Merchant Marine or something like that ---

Q. Is that the Merchant Navy Club?

A. Yes.

Q. What premises were the Ramsay Club

in when you went?

A. I believe on Thompson Road.

Q. And what city or township?

A. That I don't know. I don't know enough about Canada.

Q. Was it near Port Erie?

A. Yes, near Port Erie.

Q. What about the Merchant Navy Club, where is that?

A. That's in Niagara Falls.

Q. I see, so this matter between you and Sergeant Anderson had been going on over a six year period?

A. That's right.

Q. And on how many occasions did you discuss this with Sergeant Anderson?

A. I don't know exactly how ---

Q. Half a dozen, approximately?

A. At least that much.

Q. When was it that you heard from Sergeant Anderson, within the last few weeks, about coming here to give evidence?

A. He called last Saturday, I believe it was, and I wasn't home and my wife took the message, and I called him back, but -- no -- he called me again and spoke to me, and I told him I was ready. He said he would be in to-day to pick me up.

Q. And I gather that's the reason you are giving this evidence, that you wish to

help the Commissioner in this investigation, like a good citizen of the United States, is that correct?

A. That's right.

AA/2 Q. Now, you say that Felix Borelli and Ben Nicoletti ran the club -- the one on Thompson Road?

A. That's right.

Q. That's the Ramsay Club?

A. I believe so.

Q. Well, do you know or don't you know?

A. Yes, that's the Ramsay Club. I say I believe so, because that's what it was called.

Q. And what do you mean by the word "operated"?

A. Well, they were the ones that were running the game.

Q. Did you see them at the tables working on them?

A. Yes.

Q. On how many occasions?

A. Several times.

Q. I see. And how many other people were working on the table with them?

A. Oh, there were about two, four -- about six different people there.

Q. Well, once didn't you say that Mr. Nicoletti operated the game? Who were the other four?

A. Because he seemed to have charge of it.

Q. How did he seem to ---

A. Well, I was there early sometimes and they brought in the new money, and they picked up the old money when you came in, and they gave you new money for it, and I saw them waxing the money as it was brought in so that it would be easier to deal.

Q. That's the reason you say that they operated it?

A. Yes.

Q. You -- do you know Borelli well?

A. I have seen him several times, yes.

Q. When was the last time you saw him?

A. Quite a while back now.

Q. How long ago?

A. Oh, it must be about five or six years now.

Q. How old a man would he be at that time?

A. He was in his 40's.

Q. What did he look like?

A. He wears glasses.

Q. Five years ago he wore glasses?

A. I believe he did, yes.

Q. And how tall?

A. Oh, he is a little taller than you.

Q. And you haven't seen him for four

or five years?

A. Not lately, no.

Q. Now, when you went to the Ramsay Club -- that's the one on Thompson Road we're talking about and Victoria Street in Niagara Falls ---

A. I don't remember what the name of that was, it was over a tin shop -- a tinsmith.

Q. What city?

A. Niagara Falls, Ontario.

Q. What street?

A. I dont remember the street. I know the place when I see it.

Q. What colour dice did they use there?

A. Red.

Q. You say that Nicoletti and Dominic Santel ran that?

A. Yes.

Q. How do you know that?

A. Because I saw them.

Q. You saw them -- how were they running it?

A. They were the ones that had the money.

Q. Is that why you say they were running it?

A. Yes.

Q. I see, they were in charge of the

money, and that's the only reason that you say that they were running it?

A. Well, anything that happened, like, they got the notice that there was going to be a raid -- they were the ones that told us about it.

Q. And that was the buzzer that was sounde

A. That's right.

Q. They told you what to do when the buzzer sounded?

A. And it wasn't long after that that the police came, about ten or fifteen minutes.

Q. What did they tell you to do after the buzzer sounded?

A. Well, we played cards, and sat around the table and played cards.

Q. Who was sounding this buzzer?

A. The man at the door.

Q. What was his name?

A. I don't know.

Q. What did he look like?

A. Well, I can't exactly describe him now. They had several different ones -- on Thompson Road -- there was also a dog there.

Q. I don't think that the dog pushed the buzzer?

A. No, hardly.

Q. Can you describe any of the men

then?

A. No, I can't exactly describe them.

Q. Well, in the Merchant Navy Club, where was that located?

A. That was only - I don't remember the name of the street, but it was in the Falls.

Q. It was in the Falls?

A. It was in the Falls, Ontario.

Q. Was it in a store, or above a store, or what?

A. Above a tinsmith's shop.

Q. That is the Merchant Navy Club, and was there a doorman there?

A. There was a man downstairs.

Q. Where?

A. At the foot of the stairs.

Q. Standing up?

A. He was outside, and then there was another one inside.

Q. Just a minute. One was at the foot of the stairs and he was outside?

A. There was one outside, and one inside.

Q. Where was the one inside?

A. Right inside the door. He didn't open the door until the man outside gave the signal.

Q. What kind of signal?

A. Some kind of a bellsignal.

Q. A buzzer?

A. The same buzzer, yes.

Q. And again, the man inside let you in, or opened the door -- what was his name?

A. I don't know.

Q. What did he look like?

A. I can't describe him now.

Q. What about the man outside -- what was his name?

A. I don't know that either.

Q. What did he look like?

A. I can't describe him now.

Q. Well, where was this buzzer sounded from that gave warning of any raid?

A. Well, there was a buzzer -- that man inside rang when there was a raid.

Q. That was separate from the one outside, that the man had outside?

A. No, if there was going to be a raid the fellow outside usually told him.

Q. Because he would see the police?

A. No.

Q. How did the man outside know ---

A. Somebody must have told him. Somebody must have come up to the man outside and signalled him, I don't know exactly how it worked.

Q. But the man outside communicated with the man inside?

A. That's the way I understand it.

Q. Who told you about it?

A. One of the fellows at the place.

Q. One of which fellows?

A. One of the players there at the game.

Q. What was his name?

A. I don't know.

Q. What did he look like?

A. Kind of tall, and kind of a moustache.

Q. Where was he from?

A. Buffalo.

Q. So your information about that buzzer came from another player?

A. That's right.

Q. Not from one of the operators?

A. No, except after the buzzer sounded, that was when the operator told us what to do.

Q. Where was the buzzer sounded in the Merchant Navy?

A. Upstairs.

Q. Where was the bell located?

A. I don't know that.

Q. You could hear the bell?

A. Yes.

Q. You could hear it at the back?

A. Yes, you could also see a certain light go on, kind of like -- a red light.

Q. Where was it located?

A. Over the table.

Q. Where was the bell located?

A. I don't know.

Q. But you would hear it?

A. Yes.

Q. No idea where it was located?

A. No.

Q. No idea at all?

A. No.

Q. And when you were at the Merchant Navy -- you would say that the police came ten or fifteen minutes later?

A. That's right.

Q. You were there on three occasions when they came in?

A. That's right.

Q. What police force was that?

A. I don't know.

Q. You don't know -- how many officers were there?

A. Well, there was three of them at one time, and there was four another time.

Q. No idea what police force it was?

A. No.

Q. You don't know who they were?

A. No.

Q. Were you interviewed by them?

A. At the time, yes, they asked my name and address there, and where I was from and things like that, and where I worked.

Q. Were you ever taken into custody?

A. No.

Q. You don't know what police force it was?

A. No.

Q. Did you ever know, or ---

A. No.

Q. --- or did you just forget?

A. No.

Q. And were they uniformed or plain clothed?

A. Some were plain clothed and some were in uniform.

Q. Was one of them ever Mr. Anderson?

A. No, I never saw him in there.

Q. What were you in the Vets Hospital for on July 25th to September 4th?

A. I had an auto accident and wrecked my car.

Q. And you were injured, I presume?

A. I was.

Q. You were injured at that time?

A. Yes.

MR. ROSE: All right, thank you.

Q. Oh, incidentally, what did you use at the Merchant Navy Club? Did you use chips or money there when you were playing?

A. We used money.

Q. I see. What about the Ramsay Club?

A. The same thing.

Q. Always money and no chips?

A. Always money.

MR. ROSE: All right.

THE COMMISSIONER: Why were you in the habit of coming across to Canada for gambling?

A. Well, they told me where the place was, so I came over there and played.

Q. There were no gambling places in Buffalo?

A. They had been closed down.

Q. How long ago?

A. Oh, quite a while now.

Q. There was no place where you could satisfy your urge?

A. Not that I know of. I didn't know of any.

Q. But you knew of these because you had been told about them?

A. Yes.

Q. All right.

---The witness withdrew.

MR. WILSON: Mr. Commissioner, that is all the witnesses I have at the moment.

THE COMMISSIONER: Yes, we were having a conference this morning and we were interrupted to get thosepolice officers from across the line away. We will rise.

---A short recess.

(Page 11415 follows)

MR/1/A3

JOHN YARINSKY, recalled

EXAMINED BY MR. WILSON:

Q. I understand that you have prepared a statement, covering the social clubs which were incorporated, or which sought and obtained incorporation, or to which you refused to grant incorporation, or to which you granted supplementary letters patent, or refused supplementary letters patent; and those that were cancelled during, purely, your regime as Provincial Secretary?

A. Yes, I have.

Q. And just so we will know exactly the starting date, I think I am right in saying that you were appointed Provincial Secretary on the 25th of May, 1960?

A. I was.

Q. And the statement that you now have precedes, and is up to and including the 13th of September, 1962?

THE COMMISSIONER: Have you a copy?

THE WITNESS: Yes, Mr. Commissioner.

The document I am passing you is the table, which is in the brief, and of which we have had a photostatic copy; and you will see that there are figures in red, on the copy which you have before you, and those figures in red are the statistics, being opposite

the year 1960.

I have extra copies here for counsel.

The figure opposite the year of 1960, is from the period of 26th May, 1960 to the 12th December, 1961.

The 1961 figures is from the 12th - at least, from the 1st of January, 1961 to the 12th of December of 1961.

And then, we have a third column from the 12th of December, 1961 to the 13th of September, and then a total column.

THE COMMISSIONER: And this ---

A. And it is exactly the same categories, extended by figures.

I have also, Mr. Commissioner - I have those figures; I have the names of the corporations.

Q. Well, just a moment. Take that first category, "Applications Referred to Police and Granted Where reports Completely Favourable"?

A. There were 92 in the year 1960; 144 in 1961; 76 to the 17th of September, 1962, making the total of 312 such incorporations issued by me.

Q. Well, so far as this inquiry is concerned, nothing turns on that.

These were cases where the reports were completely favourable, and in the exercise of your discretion you either granted the

letters patent or supplementary letters patent as the case may be?

A. Yes. The significance of that, Mr. Commissioner, is that of those 312, in respect of which I exercised my discretion to grant, there has never been a complaint, a single complaint from anybody since the date of their incorporation; and the pertinence is in the overall picture.

Q. Very well. The next is "Applications Not Referred to the Police in the Regular Course, but Nevertheless Granted". And there have been none, during your tenure of office?

A. That is correct, sir.

Q. And the next is, "Applications Referred to Police and Granted, Where Reports were Other than Completely Favourable"?

A. There has been one during your tenure in office?

A. No. There were ten altogether.

Q. In your tenure of office?

A. Yes. There were four in 1960; five in 1961 ---

Q. Oh, yes.

A. And particulars of those are set out in detail in Appendix H, which we went over the last time I was here.

Q. Yes.

A. And then there is an additional

BB/1

one since the brief was prepared, and that is the University Club of Windsor, which I have categorized in that category, making a total of 10.

Q. Was there an adverse report with respect to the University Club of Windsor?

A. There is a report, which by the categorization in the speech, the allegations would have given -- would have perhaps given, them that category. That file is here; it is on one of the lists that Mr. Wilson will be referring to later; and I have had details of that, in addition to the details which I already have on the other nine.

Q. All right.

A. Now, I wish to bring to your attention, Mr. Commissioner, that in those ten there has not been since incorporation any complaint from the police or anyone else in respect to even one of those incorporations.

Q. I see.

A. And then the other figure is nil; that is, there were no other - no other categories, making a total of 322 incorporations which were issued in the two and one-third years preceding the 13th of September, 1962.

And I again urge, and I emphasize that there has never been a single complaint in respect of any of them.

Q. All right, we have that now.

A. Then we have table No.3-B. We have a total of 26, which were refused; 22 because of reports other than completely favourable by the police or other government departments, and because they were not in accordance with the departmental policy as it existed from time to time, making a total of 26.

And then follow such cancellations which were made by me; 8 in 1960, 13 in 1961, and then 8 in the period from the 12th of December, 1961 to the date, making a total of 29, provincewide; 27 of which were in Metro. And I bring to your attention - from the ~~fire~~ six pending - I bring to your attention that the 27, the figure of 27 cancellations in the two-year period is almost equal to the total cancellations which took place in the ten years preceding that. And as you will see by the list prepared, a figure of 29 cancellations - in the cancellations, every complaint that was initiated by the police, in which the proceedings were completed, in which cancellation followed; and I have theselists by name here ---

Q. That is starting with the period when you became Provincial Secretary?

A. Yes.

Q. I think I understand. There

is one matter the significance of which does not immediately strike me, and that is the total for the "Number of Cancellations" and then in brackets"(Metro Toronto)" by Mackey's list, as shown in brackets. What is that?

A. When you will be turning to Appendix J in John, the large appendix ---

Q. Yes.

A. Appendix J, you will see that that is a list of the cancellations, year by year, of all the clubs.

Q. Yes.

A. Now, the figure, the figure of four, for example, for the year 1950, would be - if you will turn to page 1 of Appendix J, you will see that there are four clubs listed.

Q. Page 1 of Appendix J?

A. J. It follows the index.

Q. There is more than one page in it.

A. For the year 1950, Mr. Commissioner you will see that there are 1, 2, 3, 4 that took place in the year 1950.

Q. Yes.

A. And that there were two in 1951, and so on.

Q. Yes.

A. So, we have a breakdown by years; that is all the province. And then we took Chief Mackey's list, which is Appendix K,

in which he lists - he refers to clubs; so that of the four that were cancelled in the year 1960, all four were Metro cancellations. And if you look on the extreme right of page1 you will see the reference, cross-reference there, to Mackay's list. No.69, No.139 and No.9. They are all shown on his list.

Q. Yes, I see that. But where do you find Mackay's list?

A. That is Appendix K. That is Chief Mackay's list.

Q. Yes.

A. So that the total gives you two figures, sir. It gives you that there were a total of 75 clubs cancelled province-wide during the years 1950 to 1961; and 30 of those took place in Metro Toronto.

Q. So that the figures in brackets, all across that line, refer to Metro Toronto clubs?

A. That is right. So that you have two sets of gk figures, one for the province-wide, which include the ones which are Metro; the province-wide figures are an all-inclusive figure.

Q. Those brackets are for Metro?

A. That is right; and the figures in red, for my term of office. So that in 1960 there were eight cancellations province-wide, all of them Metro cancellations. In 1961,

there were 13 cancellations, all of them Metro cancellations; and then since that time - since the 12th of December, there has been eight cancellations, six of which have been in Metro and two outside of Metro, making a total of 29 cancellations during my term of office, 27 of which were Metro cancellations.

Q. I understand.

A. And there are presently ---

Q. So on this sheet, everything in red pencil relates only to applications granted or charters cancelled during your term of office?

A. Yes. The relevant figures which we have used in the appendices during my term of office.

Q. Thank you.

A. In order that that may be followed, I have a total.

Q. Well, Mr. Wilson. This, without the red pencil writing, is taken from what exhibit?

A. It is page 97 of the brief draft.

Q. Page 97, which is ---

A. Page 97, and it is a photostatic copy of page 97; with the additional figures superimposed.

Q. I have it, thank you. We had better mark this exhibit 271, and I will

identify that as page 97, of Exhibit 253, with red notations referring to Mr. Yaremko's term of office.

Mr. Registrar, have you the original? Or is the one that you have to mark?

THE REGISTRAR: I have it, sir.

THE COMMISSIONER: Mr. Batey, have you a copy of this?

MR. BATEY: Yes, thank you, Mr. Commissioner.

THE COMMISSIONER: All right.

---EXHIBIT NO. 271: Page 97 of Exhibit 253, with red notations referring to Mr. Yaremko's term of office.

THE WITNESS: May I suggest, my lord, that with that filing there be filed those lists which I will give you, which give the exact names of the corporations, to which these are the figures. This is complementary to that sheet.

THE COMMISSIONER: Q. Have you got one for the records, and one for me and one for counsel?

A. Yes, I have.

Q. Attach that and make it 271.

MR. WILSON: Not 273?

THE COMMISSIONER: No, it is part of 271.

MR. WILSON: You are making that 271.

I see.

THE COMMISSIONER: I am making that so; the photostatic copy of page 7, or page 97 of Exhibit 253, a separate exhibit.

MR. WILSON: I understand that.

THE COMMISSIONER: And it will be No. 271. And part of it will be, the particulars showing the names of the various clubs.

THE WITNESS: Attached to that group, Mr. Commissioner, I have a sheet, which I will ask the Clerk to pass to you, which gives sort of additional information in respect of other files.

At the top you will see that we have listed for the period from the 26th of May to the 11th of December, 1961, supplementary letters patent issued. I have not had the opportunity of getting those figures from the period to date, and then there is under that, the statement, "Supplementary Letters Patent Refused, from the 26th of May, 1960 to 11th December, 1961." And reference is made to four clubs, which have already been referred to in the brief. And you will note that in respect of two refusals, each of those refusals were made on the basis of police reports. In the instance of the Somerset Club, and the Sun Sun Social Club.

I have pointed out that there was an

added decision: That the police had made the recommendation that there be cancellation, and I came to the conclusion in the instance of the Sun Sun that there was not sufficient cause, but it turned -- it turns out, by not having premises, they had been rendered inoperative.

In the case of the Somerset Club, I examined the report. We made that investigation, which the file will disclose; I came to the conclusion that there was no apparent sufficient cause for cancellation. I so notified the Chief of Police, Chief Mackey, and pointed out to him the necessity of bringing to my attention something further; and then you will note ---

THE COMMISSIONER: Just a moment while I grasp this. The first five on the sheet "Supplementary Letters Patent issued" and the next four, "Supplementary Letters Patent Refused", - what has the absence of sufficient cause for cancellation got to do with the refusal of an application for supplementary letters patent?

A. When we referred the applications for permission to change premises, in the instance of the Somerset Club and the Sun Sun Social Club, the police in their reports back to us gave the facts, and gave the reasons why consent to change the premises should not be given; and in addition made a

recommendation for cancellation in each instance, in those two instances.

Q. On the basis ---

A. On thebasis of the police reports for consent to change; and this was refused.

I also considered the recommendation of the Chief of Police.

Q. For cancellation?

A. For cancellation, and I came to the conclusion in those two instances that the material - that there was under the circumstances, and the fact that I saw them, not - I could not find sufficient cause, and we did not proceed to institute a proceedings to cancel.

Q. Very well.

A. And then there is one instance of the reviver refused, and that was in the instance of the Chee Kung Tong.

The references on the extreme right are the references to the number of cases which have been touched upon in the brief.

Q. Yes?

A. And at the bottom I have listed for your information the cancellation proceedings, which are now pending; and there are six such matters.

Q. And they are all in the brief?

A. No. There is a brief comment

on the Arlington, Atlas and Parthenon; but the reports in those instances were made after the March the 19th; after the date of the brief. They were not included in the brief.

The Bellevue Bridge and Social Club is referred to in the brief because it was contained in Mr. Winternmeyer's speech; and I do not know whether the Reliance Social and Athletic Club is indicated in the brief or not; but this is additional. This statement is given to you, Mr. Commissioner, because after the hearing at the last day, on September 13th when we met with you, you indicated that these files would be gone into by you, and they appeared on Mr. Estey's list, I believe, for inquiry.

Q. Well now, of the six shown there, under the heading of "Cancellation Proceedings Pending", had cancellation proceedings with respect to any of them been done prior to Mr.Winternmeyer's speech?

A. The Reliance -- the Bellevue Bridge and Social Club, where the proceedings were instituted; and the details of that are given in the brief, and that is -- that is -- if I can recall for you, Mr. Commissioner, that is the instance where there was a trespass charge, a civil suit for trespass, I believe against the Metropolitan Toronto Police, and subsequently the matter became sub judice,

so far as the Department was concerned. And subsequently it is one of the clubs involved in the conspiracy charges relating to a number of clubs; so, that matter is sub judice.

The Reliance Social and Athletic Club, ---

Q. Can you answer my question categorically? How many, if any, of these six listed under the heading "Cancellation Proceedings Pending", how many of those six cancellation proceedings had been commenced at the time of Mr. Wintermeyer's speech?

A. Three. Bellevue, Long Branch and Reliance. I will have to check on the file, to verify the Long Branch, my lord.

Q. With respect to those, I can say there that the proceedings were under way, at the time of the speech?

A. Yes.

MR. WILSON: Q. Well, now ---

A. In respect of the remaining three, my lord, if you will turn to page 35 of the brief, you will note that we had listed - Mr. Wintermeyer had given to Commission counsel a list of clubs, which were on the Metro suspect list, and we point out the fact that in the case of the Arlington, Atlas and the Parthenon no complaints had been received by the Department as of the date of the speech.

THE COMMISSIONER: Just a moment. Yes?

THE WITNESS: And when we received the complaint, after the -- after the ---

THE COMMISSIONER: Q. The speech?

A. After the speech, the Arlington Athletic - the complaint was received after December 11th. I have not the exact date before me; it will be in the file. In the Atlas, no complaint was received until after March the 19th; and in the Parthenon, no complaint was received until after the 11th of December. They came in at various times, and the matter stands with respect to these three.

They were instituted proceedings. Then, on the basis of the reports filed, which pertained to consequences, notice was given to us that appeals had been launched for all three instances, so we did not proceed

MS/4 with the holding of the hearings. However, I did have further communication from Chief Mackey in respect of one club, maintaining that they were carrying on, and we should proceed with cancellation proceedings.

I indicated to Chief Mackey that the proceedings would take place; that a hearing would take place, regardless of the outcome of the appeal, but that it would wait until after the Appeal was heard.

I inquired of him whether the clubs were operating in the meantime, and at least, prior to that, I obtained through Mr. Cudney an opinion from the Attorney-General's Department as to the rights of the Department, and whether it would be consonant with justice, to proceed with hearings while the appeal was ---

Q. Pending?

A. In pending, if they continued to operate. And we received an opinion, and oral opinion from Mr. Silk, through Mr. Cudney, to myself; it was an opinion at my request, and it was indicated that if the club continued to operate, we were within our rights to continue with the hearings.

We then wrote to Chief Mackay, in respect of the three clubs. He wrote to the clubs, and told them if they continued to operate while the appeal was pending, we would proceed to hold the hearing. And we obtained reports of Chief Mackay that they had continued to operate after receiving our letter, and dates have been set for those hearings, for the immediate matter ---

Q. Let me discuss that with you; I do not follow you.

In connection with the Arlington Athletic Club, the Atlas Club and the Parthenon Social and Recreational Club, you were proceeding

to cancel, because of convictions? And nothing else was important, that is to say?

A. I think that is the instance I had ---

Q. There was an appeal against the conviction; and you say that you were advised by the Attorney-General's Department?

A. Yes.

Q. That pending the appeal, if these clubs were operating, you could still cancel on the basis of convictions?

A. We were proceeding. We wrote to the clubs a letter telling them that if -- ifthey proceeded, if they continued to operate pending the appeal, we would go ahead with the hearing.

Q. That is what I am now questioning.

A. Yes.

Q. You were proceeding to cancel on the footing that they had each been convicted?

A. The hearing would proceed on the basis that they continued to operate.

Q. No,no, no, no. You were proceeding to cancel the charter on the ~~fact~~ footing that they had each been convicted?

A. Yes.

Q. They appealed that conviction; and as long as the appeal was pending that issue was undecided; and you were taking the

position that even though it was undecided, if these clubs appeared to carry on in the meantime, you would cancel the charters?

A. Yes.

Q. I cannot quite reconcile the logic in that.

A. The police were complaining; the police were complaining to us, that pending the appeal the clubs were carrying on.

Q. I quite appreciate that. Suppose the appeal was allowed?

A. I had written; I had written to the Chief of Police. We were going to hold hearings in these three instances.

Q. Simply because they were carrying on?

A. To find out whether there was any additional cause for cancellation, in addition to the convictions.

(Page 11440 follows)

cc/JKT/1

MR. WILSON: I think I may be of assistance, Mr. Commissioner. I think in the three cases the original steps taken by the Department to cancel was based on forfeiture for non-usage then.

THE COMMISSIONER: That is not what Mr. Yaremko just said.

THE WITNESS: The letter which we now send of cancellation may state any number of reasons. We include all the possible reasons.

THE COMMISSIONER: I suppose it may. As I understood you -- you correct me if I misunderstood you -- you were proceeding to cancel on the footing that in each of those cases there had been a conviction. Mr. Wilson suggests that in addition to that you were proceeding to cancel because of some other reason, forfeiture of powers or something of that sort. Is that what you say, Mr. Wilson?

MR. WILSON: That is what I say.

THE COMMISSIONER: Then you and Mr. Yaremko are not quite in accord with one another.

THE WITNESS: We have to examine the individual files.

MR. WILSON: I think the files in those cases indicate that the original action of the Department related to the forfeiture for

non-usage and then there was then the charges laid, not against the clubs but against individuals, and just as an example of what I am trying to say, in the Arlington Athletic Club file there appears a memorandum of the 31st of January, 1962, by Mr. Gudney, the Deputy Minister, and there he says in part, after referring to the Metro report and the failure to file returns, he goes on to say:

"Moreover, notwithstanding the fact
"that these charges have not been
"disposed of there are grounds at
"least for cancellation of the
"charter in view of the forfeiture
"of corporate powers and the
"cancellation of the charter
"would not affect the prosecution
"as it is not the club that is
"charged."

And following that the Minister instructed Mr. Gudney on the 3rd of February, 1962:

"Take appropriate procedure and
"action to cancel."

And the issue was as to whether or not the impending charges and the appeal from the conviction in any way stayed the hand of the Provincial Secretary.

THE COMMISSIONER: As I understand you, the proceedings to cancel were initiated by reason of, in one case, failure to make

returns, and in the other case non-usage and so forth?

MR. WILSON: That is right.

THE COMMISSIONER: Those were the grounds upon which proceedings were originally initiated to cancel the charter. Now, subsequently while those proceedings were pending there were convictions against some individuals at those premises, then an appeal by those individuals, and then the Attorney General has advised the Provincial Secretary -- and I, with respect, say the Attorney General was right -- that the convictions and the appeals didn't affect the proceedings that were initiated on other grounds?

MR. WILSON: That is right.

THE COMMISSIONER: I understand it now, but Mr. Yaremko wasn't putting it quite that way.

MR. WILSON: That is why I thought I should bring that to your attention.

THE COMMISSIONER: I understand it now.

Q. That is the fact, is it, Mr. Yaremko, as Mr. Wilson has explained it?

A. That is the Arlington Athletic Club and we followed the same procedure with the other two.

Q. What he has said is accurate so far as it affects the Arlington? Is it accurate so far as it affects the Atlas? No

says it is.

A. In the case of the Atlas, the original letter from the police recommended cancellation and enclosed copies of the convictions of the two persons for keeping a common betting house.

Q. Then as far as Atlas is concerned, was that the proceeding initiated on the basis of a conviction at those premises and not on the basis of non-user or failure to file returns?

A. Anything of that kind -- in my memo to Mr. Cudney of March 26 it says:

"Referring to your memorandum of "March 23rd, please proceed to take cancellation proceedings on "all grounds possible disclosed by "the report of Chief Mackey in the "file."

Q. Chief Mackey wouldn't know anything about the returns?

A. "By the report of Chief "Mackey and the file."

Q. "And the file"? I thought you said "in the file".

A. "And the file".

THE COMMISSIONER: Well, perhaps weare wasting a lot of time here debqting something that is not of too great significance.

THE WITNESS: Well, actually it was a

new step taken because in the past we have -- the Department has treated it while the matter is under appeal, as being sub judice, as I say, and I don't believe any further action was taken. There was an instance once -- and that has been referred to, I think. This is the Club Macedonia detailed in the brief where there had been a cancellation on the basis of a conviction. The order was issued and subsequently the appeal ---

Q. Allowed?

A. Allowed. But you couldn't ---

CC/2 Q. You couldn't restore the charter?

A. And in that instance, as was explained, the Provincial Secretary of the day issued a new charter but I was concerned whether this action, pending appeal, would be in accordance with the British concept of justice as we know it. That is why I asked Mr.Cudney to get an opinion from the Attorney General.

Q. I understand. I don't think there is too much significance to those.

A. Mr. Commissioner, I have a brief statement which I would like to ---

THE COMMISSIONER: You want this last sheet an exhibit?

MR. WILSON: I suppose we could attach it to Exhibit 271.

THE COMMISSIONER: I would think so.

Q. Do you want to start on a new phase?

A. I have a short statement which I would like to make, Mr. Commissioner:

"Mr. Winterseyer has made certain "allegations . . . "

Q. Have you got a copy? Are you reading from something now that you want to file?

A. No, it is a statement which I am making.

THE COMMISSIONER: Let me see it. All right.

THE WITNESS: "Mr. Winterseyer has made "certain allegations which reflect upon "me. - I as here of my own free will "to reply to these allegations. I will "refer to some right now, and I trust "all will be dealt with.

"Mr. Winterseyer has alleged "as follows:

"On Page 96 -- 'Now how have the depart- "ment of the hon. Provincial Secretary "enforced the laws and carried out "government policy with respect to "chartered social clubs and illegal "gambling? An examination of the "records will demonstrate there have "been flagrant violations of all "points of the law in all aspects of "policy, not just one, but on

"frequent occasions.'

"Mr. Commissioner I have just given "you a summary of what has taken place "during my term of office, referring "to 388 matters. I do not know of "a single occasion where I have "violated the law at all, let alone "flagrantly, in any aspect of any "policy.

"Mr. Winterseyer has alleged as "follows:

"On Page 98 -- 'A change of address "was to take place only after written "permission for the change had been "secured from the hon. Provincial "Secretary. I want to cite several "instances in which this policy was "not pursued and in which the law "was contravened.'

"And then he mentions four "instances dealt with by me.

"-- The Frontier Club, Niagara "Falls"

I think it is the Frontier. It may be the Italian.

THE COMMISSIONER: It is called the Italian Niagara Frontier.

THE WITNESS: "-- The New Canadian "Social Club

" The Sun Sun Club

"-- The Somerset Club

"Mr. Commissioner in each of the "above instances permission to change "the address was refused on the basis "of police reports. In three "instances no change of address took "place; in the one instance where a "change of address took place, "without permission, the charter "was cancelled because of that. The "policy was pursued. I contravened "no law.

"Mr. Winterwyer alleged: "Page 99 -- 'that despite the "declared policy of the government "and the requirements of the law, "these clubs have been able to "operate with relative impunity "for long periods of time.'

"Mr. Commissioner I deny that "any action or inaction on my part "permitted these clubs to so operate. "As I have stated there have been "29 cancellations since 26 May 1960; "in every instance where a complaint "was initiated by the police, "proceedings were instituted, and "completion in every instance ended "in cancellation of the charter.

"Mr. Winterwyer alleged:

"'the action of the hon.
"Provincial Secretary's Department in
"granting charters to clubs in the
"face of police objection and the
"subsequent convictions of many
"clubs for gaming, leads one to
"conclude that the granting of charters
"was in fact a temporary license to
"game...'

"Mr. Commissioner I have issued
"322 charters for clubs including 10
"where the police report was other
"than completely favourable, and
"not in one instance has there been,
"to my knowledge any conviction of
"gaming; indeed I have not heard of
"the slightest complaint in respect
"of even one.

"Mr. Wintermeyer has alleged:
"On Page 99 -- Re: the 25 Club -
"'Apparently the Ontario Provincial
"Police report was ignored.'

"This was during my term. The
"report clearly was not ignored. The
"details are set out in the brief.

"Mr. Wintermeyer has alleged:
"On Page 96 -- All social club
"charters were not investigated by
"the police.

"Mr. Commissioner as I have

"stated, to the best of my knowledge
"all social club applications, over
"340, were investigated by the police
"during my term of office.

"Mr. Wintermeyer has alleged:
"'At worst, it could be said that
"negligence of the .. department
"permitted the operation of gaming
"houses' Further: (Page 100) --
"'The least that can be said for ..
"failure to take reasonable and
"normal precautions against the long
"term perpetuation of gaming houses
"in the guise of social clubs is
"that the departments concerned
"and their hon. Minister was grossly
"negligent in .. duties and utterly
"careless .. of responsibilities.'
"Further: Page 101 -- 'I think it is
"necessary for such Royal Commission
"to investigate and report upon the
"negligence and carelessness of .. the
"hon. Provincial Secretary's Department
"and to ascertain the reasons why
"these departments have failed to
"enforce the law with respect to the
"issuance of social club charters.'

"Mr. Commissioner I am proud
"of my record, and when I was
"appointed on 26th May 1960, I was

"discharging my duties as a Minister
"16 and 17 hours a day, almost 7 days
"a week. One of the first documents
"I signed on the 27th May, my first
"day in that office was an order
"cancelling the charter of the
"West End Bridge Club. One week
"after I was appointed The Centre
"Road Club was cancelled and Feeley
"and McDermott (as we look back now)
"were out of business there.
"I tackled each specific case
"as it was brought to my attention
"eliminating these clubs one after
"another. I developed new policies
"to impose even more stringent
"control. I have not failed to
"enforce the law. I have as
"Provincial Secretary without let up,
"discharged my duties to the utmost
"of human ability. Mr. Commissioner,
"upon my oath, I believe I set for
"myself in carrying out my job as
"Minister, a standard which I trust
"is the highest that our citizens
"expect of men in public office."

THE COMMISSIONER: Q. What you have just said relates to your conduct since you came into office?

A. That was a personal statement,

Mr. Commissioner.

CC/3

THE COMMISSIONER: All right.

MR. WILSON: Q. There is one matter that covers period prior to your period of office. Am I right in saying that in any charter granted prior to 1950, that up until 1960 those clubs could set up branches throughout Ontario without in any way breaching the conditions of the charter or of the law?

A. That is my understanding.

Q. So that the branches of these clubs were legal up until 1960?

A. And all clubs incorporated prior to 1950, on the basis that there would be no restriction in their letters patent restricting them to a particular address or a particular locality. I think in the development of that policy that there was a period -- Mr. Cudney is more cognizant than I am -- there was a period from the middle '40's to 1950 there may have been some clubs in which this provision was inserted in the letters patent.

Q. I think there was the odd case?

A. There was the odd case. The policy was laid down in 1950.

THE COMMISSIONER: Mr. Wilson speaks of a "branch of a club". That is not appropriate language. Bear with me for a moment. I take it that what you are

1 referring to is the fact that you may have a
2 club, the charter to which was granted prior
3 to 1950, operating, say, in Timmins, at one
4 address, and purporting to operate, say, at
5 Peterborough at another address. The one
6 at Peterborough isn't a branch of the one
7 in Timmins. It is the same club operating
8 at two different places.
9 MR. WILSON: That is true.
10 THE COMMISSIONER: That is what you mean?
11 MR. WILSON: I used the term "branch".
12 THE COMMISSIONER: I don't think that
13 language is accurate.
14 MR. WILSON: Some of the correspondence
15 seems to indicate that is what they thought
16 they were doing.
17 THE COMMISSIONER: I don't think that
18 is right.
19 MR. WILSON: When Mr. Yaremko was giving
20 his evidence on September 13th, 1962 -- at
21 page 9600 -- you recall I handed to him two
22 lists, one of the Ontario Provincial Police
23 and one which I had prepared from an Ontario
24 Provincial Police list, and another that I
25 prepared from a list of the Metropolitan
26 Toronto Police, the list which I examined
27 in the first instance being a list of the
28 adverse reports made by those two police
29 forces, and then by examining appendices F and I
30 I try to reconcile every club on the adverse

list of the Metro and O.P.P. Police Departments. I handed to this witness, in the case of the O.P.P., a list of thirteen clubs and asked him, as I hadn't been able to reconcile them, I asked him for an explanation. I understand he is prepared to deal with that list. Possibly, so you can follow it, Mr. Commissioner -- I think my friend has a copy of the list.

THE COMMISSIONER: Will you just help me what the point is with respect to these thirteen clubs, is it?

MR. WILSON: The two Police Departments inform me that they didn't know what the ultimate disposition was of the applications made to the Provincial Secretary in respect of these clubs and I couldn't check them out by reference to the appendices F and I, so, therefore, I asked this witness to examine the records and tell us what the explanation was, and he now proposes to do that with respect to the ones he has personal knowledge of and the balance will have to be dealt with by Mr. Cudney.

THE WITNESS: Your list is alphabetical, Mr. Commissioner. This is the United -- no -- it is No. 9 on the list, the United Chinese Social Club. The date of application is July 4th, 1960. That application was---

THE COMMISSIONER: I wonder what you

are looking at?

MR. WILSON: Q. Have you got a copy for the Commissioner of what you are working from?

A. These really are not in condition to be filed. They are memos which were prepared for our own use for reference, Mr. Commissioner.

THE COMMISSIONER: You are going to file this, I suppose, Mr. Wilson?

MR. WILSON: I think it should be filed, then we can have the balance of them dealt with by Mr. Cudney. I understand this witness can deal with the ones numbered 9 to 13 only.

THE COMMISSIONER: They are not numbered?

MR. WILSON: Oh, I see. Starting with the United Chinese Social Club, Left Bank Club, Toronto-Italia Hall Limited, Little Trinidad and University Club of Windsor. Those are the five I understand this witness can deal with.

THE COMMISSIONER: Of which he has personal knowledge.

THE WITNESS: They were during my term of office.

THE COMMISSIONER: Just a moment. The manner in which they are dealt with is contained in this sheet he just handed me, is it?

THE WITNESS: Yes, Mr. Commissioner. That

sheet was prepared just as a matter of reference to be used by us. It isnot in the shape perhaps we would like.

THE COMMISSIONER: That is all right if it contains the information.

THE WITNESS: It gives the information.

THE COMMISSIONER: All right.

MR. WILSON: Q. Then we deal first with the United Chinese Social Club.

A. The conclusion of that club was that the application was abandoned.

Q. The Left Bank Club?

A. The application was refused on June the 19th, 1962. That is why it doesn't appear in Appendix I, because the refusal was after the preparation of the statistics in the brief.

THE COMMISSIONER: Just a moment. All right. The next?

MR. WILSON: Q. The next one is the Toronto-Italia Hall Limited.

A. That application, Mr. Commissioner, originally, if I recall, it is a share capital corporation and it appeared on my desk -- I am speaking from recollection -- and I noticed that it had what appeared to me to be social objects even though it was a commercial corporation and I referred it back to the Department and then they proceeded to process it in the usual form. There were

reports obtained from the Metropolitan Toronto Police on May 30th and June 20th opposing the incorporation on the grounds that a social club charter is not required for a restaurant licence and a public hall licence. The report of the O.P.P., dated June 19th and June 28th, indicated the application was not to be for a social club but strictly for the purpose of operating a restaurant, banquet rooms and dance hall. Accordingly the social objects were deleted from the application which made it clearly a non-social club and letters patent were issued. That building which is owned and operated ---

CC/4

THE COMMISSIONER: Q. It is a share capital corporation?

A. Yes, but we submit, Mr. Commissioner, we submit share capital corporations to the police where the objects are of a social nature. We draw no distinction in that respect.

Q. Yes.

A. The language is an "incorporated social club". It doesn't say "with or without share capital". There is no definition in the Code. In any event, our policy has been to refer it.

THE COMMISSIONER: That is all right.

MR. WILSON: Q. The next one is Little Trinidad.

A. That application is still pending.

Q. Because there are charges against three persons for operating a public hall without a licence? I do not believe those charges have been disposed of and as a result no conclusion on the file has been made. The University Club of Windsor?

A. That, Mr. Commissioner, is one that I referred to which I have classified as being other than completely favourable and I would like to take a moment of your time.

THE COMMISSIONER: Q. By all means.

A. The application was referred to the Ontario Provincial Police and the Chief of Police, Windsor, dated the 4th of December, 1961. Now, the report of the Windsor Police is a letter dated the 13th of December, 1961, and it is to the solicitor in the Department, Mr. Thompson, and signed by Chief Farrow, and I will only read to you the last paragraph. He talks about, he refers to the formation of the club and the make-up of it. Then he concluded by saying:

"In view of the foregoing, it "is suggested that the application "for incorporation be deferred until "such time as the plans for this "organization have been finalized."

And the Ontario Provincial Police report also refers to this. The last paragraph:

"I have concluded with Inspector "G. Ouellette, Special Investigation "Branch, Windsor City Police, and the "Deputy Inspector, the University "Club of Windsor has not yet been "organized to the point where a charter "should be issued and that the "issuance of a charter at this time "would be premature having regard "to the circumstances."

The application was made through the solicitor, Robert Easton, Q.C., of the firm of Martin, Laird, Easton, Cowan & Chauvin, and I read to you extracts of the letter which he wrote to the Deputy Provincial Secretary dated March the 19th.

THE COMMISSIONER: Q. Who wrote?

A. That Mr. Easton wrote to Mr. Gudney.

Q. Easton is a member of the firm of solicitors?

A. Yes, and also one of the applicants.

---(Letter read from the words "Dear Bob" to the word "members".)

And then he refers to a meeting on September ~~18~~ 15th.

---(Letter read from the words "It was decided" to the words "Toronto and Montreal clubs".)

It is a three page letter giving great details and there was a sense of urgency because the property, they had to either negotiate for a lease of the property or perhaps lose it, and the delay in the organization may have brought about the fact that the club could not have come into being so I exercised my discretion and instructed the Deputy Minister to issue the letters patent in that instance.

MR. WILSON: Q. I understand that the clubs on that list that you can deal with personally. Then we will turn to the list, a similar list that I gave you, based on the Metro Police Department records, and I think you have a copy of that for the Commissioner?

A. No, I do not, Mr. Wilson.

MR. WILSON: Maybe he can follow this one. I think it would be simpler. For convenience, Mr. Commissioner, I can hand you this.

THE COMMISSIONER: Just a moment now before we get this record in complete confusion. This list of thirteen, the last five on it Mr. Yaremko has testified to. The other eight Mr. Cudmay will testify to? Is that the understanding?

MR. WILSON: That is right. He will be ready to deal with them as soon as this

witness is finished.

THE COMMISSIONER: Those thirteen are with respect to which? No police force reports, indicating the final disposition of the application?

MR. WILSON: Well, they are cases where there had been adverse reports by the O.P.P. and which I couldn't find in the appendices. You are talking about the copy we have just dealt with?

THE COMMISSIONER: The thirteen on this list.

MR. WILSON: That is right.

THE COMMISSIONER: Now, you say in each of those cases there had been adverse reports by the O.P.P.?

MR. WILSON: That is right. Unfavourable or adverse. They were unaware as to what final disposition had been made.

THE COMMISSIONER: By the O.P.P., and in one instance, at least, the Windsor Police Force?

MR. WILSON: Yes, that is correct. Well, in the case of the University Club there was a report, of course, about it by the Windsor Police and the O.P.P.

THE COMMISSIONER: All right. Charters granted? What was that?

MR. WILSON: Well, the charters were not granted in each of those cases.

THE COMMISSIONER: I want to christen this document again. Adverse reports by the O.P.P. and attached to this list is a summary of the disposition made in the Provincial Secretary's Department.

MR. WILSON: That's right.

THE WITNESS: Ordinarily, Mr. Commissioner ---

THE COMMISSIONER: Excuse me, Mr. Yaremko. Are they not referred to elsewhere in the Provincial Secretary's brief?

MR. WILSON: No. I pointed out I couldn't find them in either appendices F or I, and that is why I asked for the explanation. We had better mark that as a separate exhibit.

THE SECRETARY: 272.

MR. WILSON I thought you just had 272.

THE COMMISSIONER: Just a moment, Mr. Wilson. All right.

---EXHIBIT NO. 272: List of thirteen social clubs, and summary of disposition made in the Provincial Secretary's Department attached thereto.

MR. WILSON: The list of twenty-seven clubs which I am now handing you --- the Registrar will hand it to you -- is of a similar character but it emanates from an examination or results from an examination of the Metro list of adverse reports.

THE COMMISSIONER: How many areon this?

MR. WILSON: Twenty-seven, I believe.

THE COMMISSIONER: All right. Mr. Yaremko has a similar memo.

MR. WILSON: He hasn't. There is just one copy he handed me, and I have handed it to you. I think you will be able to follow it.

THE COMMISSIONER: Has Mr. Yaremko a memorandum to which he is now going to refer and which relates to each of these twenty-seven clubs?

MR. WILSON: I thought a copy of it had been handed up to you.

THE COMMISSIONER: Oh, this is it here.

THE WITNESS: Again, these are memos which were prepared for our reference but they do set out the relevant facts in most instances. If there are any in which the facts are not stated they can be prepared. First on the list you will note was Arundel Hall Limited, and that was refused in May, 1962.

THE COMMISSIONER: Q. Just a moment. Yes?

A. That is why it does not appear in the brief, appendix I, which was refused. The next one which was in my term was -- we go from there right to the Club Abbruzzese, the fourth sheet. Now, that application was received in December, 1960. It was referred to the police. The R.C.M.P. advised

a complete check had been made on it. Neither the club nor any of the proposed officers had any previous record. The Toronto Police advised they would have no objection provided no club premises were maintained and the members did not avail themselves of the privilege of the Criminal Code of charging ten cents an hour. The O.P.P. stated they could see no reason to oppose incorporation and letters patent were issued providing the club would not maintain a clubhouse in accordance with the recommendation of the Mounted Police and letters patent shall contain the usual clause prohibiting a charge of ten cents an hour and that appears, Mr. Commissioner, in Appendix F which is the large appendix which we classified as favourable on page 154.

Q. All right.

A. Then the next one we go to is the Hat and Rabbit Club 1956. Letters patent were granted in September, 1956. Then in April, 1960, the club applied for a supplementary letters patent to change its address from 99 Yonge Street to 91 York Street and the application was referred to the police. The O.P.P. had no objection and in the report of the Toronto Police Inspector F. Davies of No. 1 Division had no objection to the change of premises. Inspector Walker

of the Morality Squad concurred with the recommendation of Inspector Davies but stated 91 York Street was the Prince George Hotel and the manager of the hotel did not wish a chartered club to be located in the hotel, and our memo was that can hardly be taken to be a police objection and the supplementary letters patent were granted by the Department on July 14th, 1960, changing the address to the Prince George Hotel and that appears in Appendix F, page 386, in the details of that as being a favourable application.

CC/5

THE COMMISSIONER: We are not concerned with that.

THE WITNESS.: The next one Mr. Cudmey will deal with. The incorporation is recently as October 9th this year. The Deputy Minister ---

THE COMMISSIONER: What is the name of it?

A. The Haverla Recreation & Sports Club. This had been incorporated in 1957 and then in view of the fact that the '59-'60 returns were all filed at one time in 1960 the matter was brought to the attention of the Deputy Minister pursuant to the general direction which was referred to in the brief. On February 9th the Deputy Minister wrote a memorandum to Mr. Margolin asking

him to look into the matter, if there had been a change in the members or any indication the charter had been purchased. Mr. Margolin replied on March 12th indicating an examination showed changes had occurred of the directors and officers in the years '58 and '60. There was nothing in his opinion to show the charter had been purchased. It so happened that I think two of the directors in this club were known by me, not intimately but by reputation.

The next application that I will deal with is the Independent Hungarian Freedom Fighters Association of Toronto. And this appears in Appendix I, Part 1, page 50, as being refused.

MR. WILSON: I don't find it on the list. It is "Hungarian Freedom Fighters".

THE COMMISSIONER: Q. Independent Hungarian?

A. Independent Hungarian Freedom Fighters.

Q. It is the next one on that list. It was abandoned?

A. Yes.

Q. All right. Let's pass on to something else.

A. Then we go right to the alphabet letter "L", and you will see the Left Bank Club which has already been dealt with in the

C.P.P. list that was refused.

Q. Yes?

The next one is the Lithuanian Businessmen's Association in Canada.

A. That was issued, the letters patent were issued in 1949, but then they were cancelled. The letters patent were cancelled for failure to file annual returns in 1958 and then the two persons applied in March of '61 for an order reviving the corporate existence. The matter was referred to the police and then there are references to it by the police to the premises, and there was a letter written to the solicitor for the applicant advising him re the building regulations and the order was granted, dated May the 4th, 1961.

(Page 11475 follows)

DD/1/DG'M

THE COMMISSIONER: Q. The status of that club is that the charter was cancelled?

A. No. If letters patent are cancelled for failure to file annual returns, the Provincial Secretary has the power, upon application within a three-year period, of reviver. Application for reviver was made and it was granted. It is not the same as an application or an order for cancellation for cause. Once that is assigned, that is the end of it.

Q. In other words, there were no adverse reports, or was there?

A. No. There was a reference to the building conditions.

Q. All right.

A. The particular building is the centre of the activities for Canadians of Lithuanian origin in the city.

Now the next one is the Local 112, U.A.W., Building Corporation, 1951, and that is a matter which is still under consideration by me. The report is a matter which has been with me since the 30th of August of 1951.

Now I should like -- I have not concluded this, but I should like briefly to review the ---

Q. No, no, I don't think I want to hear that.

MR. WILSON: No.

THE COMMISSIONER: Q. That is still beingconsidered by you and no action has yet been taken?

A. No action has been taken.

Q. Unless you are going to be criticized for having taken no action, I don't see why I should listen to it.

A. No. There is an adverse police report in this instance.

Q. You still have it under advisement?

A. Yes.

Q. All right. Go on to something else.

A. The next one is the Socita Spartiva Roma, 1960.

Now, that is shown in Appendix F, that is our favourable Appendix, page 819 and 819-A. The summary is that the letters patent were issued, dated February 14th, 1961. The club premises were limited to 587 College Street, Toronto. The Toronto police objected to the original premises and the incorporation was not granted until the location was satisfactory to the Toronto police. When this was done, letters patent was issued. Supplementary letters patent to change the premises was submitted to the police and there was no objection and accordingly, supplementary letters patent were issued.

The next club is the 30-Up Club,1961. This is an application which has been outstanding and there are adverse reports there, but the matter is still under review by myself.

The next one ---

Q. Aren't all of these clubs where there was an adverse report by Metro, Mr. Wilson?

MR. WILSON: Well ---

THE COMMISSIONER: Take that Emerald Recreation and Sports Club. The R.C.M.P. had no objection. The O.P.P. had no objection. Metro had no objection.

MR. WILSON: It was a list given to me by Metro, where they called them adverse or unfavourable. I can agree with you, when you read the substance of the report, it doesn't add up to that.

Q. Is that all you can deal with on that list?

A. The last one is the Toronto Emerald Social and Athletic Club. The application was referred to the police on June 23rd, 1960. A letter of the Toronto police, dated August 12th, 1960, indicated the record of their department contained nothing adverse. There was no objection to granting letters patent, providing it was restricted to 303 Dundas Street West, Toronto.

THE COMMISSIONER: Q. The next line: "Application was not granted over adverse report as the letters patent -- ". Oh, I see what you mean.

A. The restriction of the address and the other provisos.

Q. All right. Now, those are all that you dealt with personally?

A. These are ones that I dealt with during my term of office, or which were dealt with during my term of office.

THE COMMISSIONER: Yes.

MR. WILSON: Q. Now, I believe that you wanted to deal with the list given to me by Mr. MacKinnon, as being some 24 clubs which were suspected of gambling and/or betting by the Toronto Metro Police as of April, 1961.

I believe that is referred to on page 34 in your brief, or is it 33? 33?

A. Yes.

Q. Now, let us get this other one tucked away some place.

MR. WILSON: Will those be 273?

THE COMMISSIONER: That list of clubs should be 273.

----EXHIBIT NO. 273: List of clubs.

THE COMMISSIONER: Next is the list of clubs given to you by Mr. MacKinnon, where

there was some suspicion.

MR. WILSON: As of April, 1961, these clubs were suspected of gambling and/or betting.

THE COMMISSIONER: How many are there?

MR. WILSON: 24. They are referred to at page 33 of the brief.

Q. I think you have a memorandum prepared covering this?

A. Yes. Actually they are referred to in the brief on 33, 34 and 35, and the only reason for preparing thisbrief is for your convenience. It was just to provide you with additional ready reference in respect to the clubs,in respect of which information is given on 33, 34 and 35. We have added here the date of incorporation of these clubs. Now, additional information reflecting the status of these clubs appears in the brief and other appendices.

THE COMMISSIONER: I will take a look at this. As of April, 1960 the social clubs were suspected of gaming and betting by the Metro police department. Who said that?

MR. WILSON: Mr. MacKinnon. He was supplementing the facts set out in Mr. Winterauyer's speech.

THE COMMISSIONER: And are all these clubs set out in Mr. Winterauyer's speech, or any of them?

MR. WILSON: No, but he refers to 24 clubs. I asked Mr. MacKinnon for the particulars of the clubs whose names did not appear in Mr. Winterneyer's speech, and by his letter of March 12th, 1962, he says in part:

"I enclose herewith a list of "24 clubs."

THE COMMISSIONER: I suggest that we attach Mr. MacKinnon's letter to this sheet.

MR. WILSON: I think it has been read into the record.

THE COMMISSIONER: Well, whether it has or not.

MR. WILSON: Yes. I will get the original letter, Mr. Commissioner.

THE COMMISSIONER: I suppose you wrote, asking for the names?

MR. WILSON: That is right.

THE COMMISSIONER: And he replied, saying: "These are the names"?

MR. WILSON: That is right.

THE COMMISSIONER: Get your letter and his reply and attach it to the list.

MR. WILSON: I will do that.

THE COMMISSIONER: Now, the witness has some observations to make.

MR. WILSON: Q. What is that which appears in ink on the four clubs incorporated after 1950?

DD/2

A. Actually, the purpose of the list, Mr. Commissioner, was that it was referred to, the status of these clubs, referred to on page 33, 34 and 35 of thebrief. There are details given. The only detail which was not given there was the date of incorporation. I thought it might be useful for you to have this sheet before you, to read along with 33, 34 and 35.

THE COMMISSIONER: All right,now I understand it.

MR. WILSON: Q. Is what appears in ink on the four clubs incorporated after 1950, on the copy that has been handed to the Commissioner?

A. Those, Mr. Commissioner, were my own notations. The Bathurst -- Sheppard Social and Athletic Club has been cancelled.

The Chippers Sales and Advertising, no complaint. You will recall the discussion we had at the presentation of the brief.

Club Macedonia has been cancelled.

And the Seaman's League of America Social Club, no complaints. That is a service club. These are just my pencilled notes.

THE COMMISSIONER: I will put that in the brief with your letter and Mr.MacKinnon's letter attached.

MR. WILSON: Yes. Will we give it a number?

THE COMMISSIONER: I will put it in as page 33 of the brief.

MR. WILSON: Mr. Carty thinks we might have filed it. Maybe the Registrar can check.

I have my letter, a copy of my letter of March the 2nd, 1962. Will you give this to the Commissioner, Mr. Registrar. I now have Mr. MacKinnon's letter of March 12th. (Produced)

THE COMMISSIONER: There is more referred to in his letter.

MR. WILSON: Yes, there are other matters too, Mr. Commissioner.

THE COMMISSIONER: Which are extraneous at the moment.

MR. WILSON: Q. Now, I understand that you want to make reference to a statement that appears at page 30 of the brief. It says:

"As a result of investigations
"made by the police in Collingwood,
"Ottawa and Toronto the Provincial
"Secretary cancelled up to
"December 11th, 1961 the letters
"patent of five clubs on the
"ground in enchoase that the
"club purported to operate after
"itscorporate powers had been
"forfeited."

A. I just wanted to bring to your

attention the names and dates of the cancellation so that they would be on the record, in respect to these pages. There was the Border City Rendezvous ---

Q. Have you got a copy of that for the Commissioner?

A. No, I have not.

Q. Then there is one further correction, I believe, at page 54 of the brief. You will let Mr. Estey and myself have copies of that last document?

A. Yes.

Q. At page 54. Have you page 54 before you?

THE COMMISSIONER: Of the brief?

MR. WILSON: Of the brief. There is a reference there to bars and belts, and it says there were three complaints.

Q. I understand you wanted to go over that?

A. The names of the three are the Centre Road Veterans, the Syrian Business Men's Club of Windsor, and the Wentworth Bridge and Checker Club. And since that time there is the addition, we overlooked it at the time, the Hamilton Businessmen's Bridge and Chess Club,which was incorporated on the 22nd of April, 1947. And the date of the order of cancellation was March 18th, 1954.

THE COMMISSIONER: I haven't found page 54. What are you referring to?

MR. WILSON: About half way down the page, in the right hand column:

"The insertion of this clause "has, it is believed, discouraged "the use of methods of hindrance."

And then there is reference to the three complaints, and the witness has now given us the name of three of the four.

THE WITNESS: The Hamilton Businessmen's Bridge and Chess Club. Now, Mr. Cudney will be able to give us the exact cause. Whether the cause was a breach of the bolt and bars clause, or whether the cause of the cancellation was the general policy of barricades. Because, at that time, in addition to the bolts and bars clause, we had an additional policy, if the police produced evidence there were barricades,it was also the policy of the Department to cancel them on that ground, and Mr. Cudney will be able to pinpoint which of those two types this particular instance was.

THE COMMISSIONER: We had better leave it until Mr. Cudney gets in the box.

MR. WILSON: Yes, I will. That is all, I believe, I want to ask the witness at thistime. Would you like to go on with Mr. Cudney and clean up 270 and 272?

THE COMMISSIONER: Not today. It is five o'clock.

---Whereupon further proceedings were then adjourned until tomorrow morning at 10:00 o'clock.

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